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CITY OF PULLMAN

Administration/Finance

325 S.E. Paradise Street, Pullman, WA 99163

(509) 338-3208 Fax (509) 334-2751

admin@ci.pullman.wa.us

August 30, 2004

Sue Enger
Planning Consultant
Municipal Research and Services Center
2601 Fourth Avenue, Suite 800
Seattle, WA 98121-1280

Dear Sue:

We have compiled the enclosed information regarding the process for forming a Metropolitan Park District. Please feel to contact us if you need any additional information.

In 2002 our City Council went through a very public process of establishing levels of services and priorities within the City of Pullman. The culmination of this process was the determination that public safety and infrastructure should be the top priorities. It would be up to the public to determine if they would like to fund additional public services. We had already lifted our regular property tax levy lid to \$3.60 after the elimination of the Motor Vehicle Excise Tax (MVET) in order to hire six new public safety positions. This had essentially eliminated any possibility of requesting voters to approve a library district or a cemetery district according to our County Assessor. The Metropolitan Park District provided a vehicle to go above the regular property tax limit of \$3.60 per thousand. Now with voter approval we have a permanent EMS levy of \$.50 per thousand plus the Metropolitan Park District at \$.50 per thousand. In addition we have a voter-approved General Obligation (G.O.) Bond.

Our City Council acts as the Ex Officio Board of the Metropolitan Park District. This eliminates the need to elect separate Board Members and also keeps expenditures under the control of the City Council. Until this new legislation passed there was great reluctance to consider the creation of a Metropolitan Park District.

If you have any questions, please feel free to contact us.

Sincerely,

A handwritten signature in black ink that reads "John Sherman".

John Sherman
City Supervisor

A handwritten signature in black ink that reads "Troy Woo".

Troy Woo
Finance Director

CITY OF PULLMAN
METROPOLITAN PARK DISTRICT FACT SHEET

City of Pullman Proposition One on the ballot for the September 17, 2002, election will read:

SHALL A METROPOLITAN PARK DISTRICT CO-EXTENSIVE WITH THE LIMITS OF THE CITY OF PULLMAN AS NOW OR HEREAFTER ESTABLISHED BE CREATED AND GOVERNED BY THE CITY COUNCIL OF THE CITY OF PULLMAN AS THE EX OFFICIO BOARD OF THE METROPOLITAN PARK DISTRICT COMMISSIONERS FOR THE PURPOSE OF LEVYING 50 CENTS PER THOUSAND DOLLARS OF ASSESSED PROPERTY VALUE FROM AND AFTER JANUARY 1, 2003, TO SUPPORT THE AQUATICS, PARKS AND RECREATION PROGRAMS?

1. What specifically is being proposed?

The City of Pullman is giving voters the opportunity to decide whether or not they wish to increase property taxes by fifty cents per thousand of assessed valuation in order to create a Metropolitan Park District. Revenues generated by the creation of the Metropolitan Parks District would be used to support aquatics, parks and recreation programs.

2. Why is increased funding needed?

This year the Washington State Legislature voted to reduce state backfill funding to the City of Pullman for 2003 from \$602,083 to \$49,000. In order to cope with this loss of revenue the City of Pullman has had to make reductions in services and staff. The City Council elected to make public safety the priority within the General Fund and to allow voters to decide whether or not they wanted to continue to fund certain other services. Numerous reductions have already been made within the Public Services department. Departmental reductions thus far have included the elimination of the Public Services Director position and the elimination of half of the seasonal parks crew. The funding generated will be used to better sustain the aquatics, parks, and recreation offerings that the city currently provides.

3. Why is a Metropolitan Park District needed?

A Metropolitan Parks District provides voters the opportunity to provide increased funding for parks and recreation activities on an on-going basis. The City Council has determined that the Metropolitan Park District is probably the best funding mechanism available to address the City's current financial challenges. Absent the creation of a Metropolitan Parks District, annual voter approval would be necessary in order to increase the property tax to support parks and recreation activities.

4. What is the dollar impact of the 50-cent Metropolitan Park District levy on property taxes?

A house valued at \$100,000 would have a property tax increase of \$50 per year. A house valued at \$125,000 would have a property tax increase of \$62.50 per year. A house valued at \$150,000 would have a property tax increase of \$75 per year.

5. How much money would be generated by the creation of a Metropolitan Park District and how would the money be spent?

According to figures provided by Whitman County Assessor Joe Reynolds, the creation of a Metropolitan Park District would generate \$373,514.19 per year at current tax levels. As is noted in the ballot title, the monies would be used in support of aquatics, parks, and recreation activities.

RESOLUTION NO. R-47 -02

A RESOLUTION PROVIDING FOR THE SUBMISSION OF A PROPOSITION TO THE QUALIFIED VOTERS OF THE CITY OF PULLMAN AT THE SEPTEMBER ELECTION, FOR THEIR APPROVAL OR REJECTION, PROVIDING FOR AUTHORITY TO CREATE A METROPOLITAN PARK DISTRICT PURSUANT TO CHAPTER 35.61 RCW TO BE GOVERNED BY THE CITY COUNCIL OF THE CITY OF PULLMAN SERVING AS THE EX OFFICIO BOARD OF COMMISSIONERS OF SAID METROPOLITAN PARK DISTRICT; SETTING FORTH THE BALLOT PROPOSITION; AND DIRECTING THE FINANCE DIRECTOR TO CERTIFY TO THE COUNTY AUDITOR A CERTIFIED COPY OF THIS RESOLUTION; DECLARING AN EMERGENCY AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO.

WHEREAS, the city of Pullman is an Optional Municipal Code City, located in Whitman County, Washington, duly organized and existing pursuant to the laws of the state of Washington; and,

WHEREAS, Chapter 35.61 RCW authorizes a city to create a metropolitan park district wholly within its boundaries; and

WHEREAS, the City's General Fund is facing a shortfall in excess of \$1.7 million for calendar year 2003; and,

WHEREAS, across-the-board reductions in expenditures paid from the General Fund could require a 15% or larger cut in individual departments or services; and,

WHEREAS, Parks and Recreation derives substantially all its funding from the General Fund. Additional funding is received in the form of gifts and user charges; and,

WHEREAS, the City Council has taken steps to increase user fees and charges for facilities and services provided by Parks and Recreation; and,

WHEREAS, in order to minimize the impact of cuts in services to people using Pullman Parks and Recreation facilities and services the City Council has directed City staff to prepare a proposition to be placed on the September 2002 ballot authorizing the creation of a metropolitan park district pursuant to Chapter 35.61 RCW; and,

WHEREAS, a metropolitan park district has additional and independent authority to tax property to raise funds restricted to parks and recreation purposes provided for in Chapter 35.61 RCW; and,

WHEREAS, Pullman Parks and Recreation are an essential element to the livability, public health, safety and welfare of Pullman residents; and,

WHEREAS, the City of Pullman does not have available sufficient moneys to sustain and maintain the facilities and services of Parks and Recreation departments of the City; and,

WHEREAS, in order to provide and maintain the Parks and Recreation facilities and services an additional source of funding is necessary; and,

WHEREAS, it is necessary that the funds needed for such expenditure be raised by an additional regular taxes levied in accordance with the law; now, therefore,

BE IT RESOLVED by the City Council of the City of Pullman:

1. Election. The City Council herein calls a special election within the city on Tuesday, September 17, 2002, for the purpose of submitting to the qualified electors of the City, for their approval or rejection a proposition to create a metropolitan park district with the authority to levy a general tax on property within the boundaries of the district as provided in RCW 35.61.210.
2. Ballot Proposition. The proposition to be submitted to the electorate of the City of Pullman shall read substantially as follows:

METROPOLITAN PARK DISTRICT
CITY OF PULLMAN

Shall a metropolitan park district co-extensive with the limits of the City of Pullman as now or hereafter established be created and governed by the City Council of the City of Pullman as the ex officio Board of the metropolitan park district commissioners for the purpose of levying 50 cents per thousand dollars of assessed property value from and after January 1, 2003, to support the aquatics, parks and recreation programs?

INSTRUCTIONS TO VOTERS

To vote IN FAVOR of the foregoing Proposition, mark a cross (X) in the "FOR THE FORMATION OF A METROPOLITAN PARK DISTRICT TO BE GOVERNED BY THE CITY COUNCIL OF THE CITY OF PULLMAN AS THE EX OFFICIO BOARD OF THE METROPOLITAN PARK DISTRICT, YES" square.

To vote AGAINST the foregoing Proposition, mark a cross (X) in the "AGAINST THE FORMATION OF A METROPOLITAN PARK DISTRICT, NO" square.

FOR THE FORMATION OF A METROPOLITAN PARK DISTRICT TO BE GOVERNED BY THE CITY COUNCIL OF THE CITY OF PULLMAN AS THE EX OFFICIO BOARD OF THE METROPOLITAN PARK DISTRICT, METROPOLITAN PARK DISTRICT, YES

AGAINST THE FORMATION OF A METROPOLITAN PARK DISTRICT, NO

3. Polling Hours. The special election will be held on Tuesday, September 17, 2002. Polls will open at 7:00 o'clock a.m. and will remain open until 8:00 o'clock p.m., when they will close.

4. Polling Places. The location of the polling places shall be determined by the Whitman County Auditor, as ex officio Supervisor of Elections for the City.
5. Emergency. The Council hereby finds and declares that an emergency exists, due to the need for parks and recreation facilities and services. Said emergency requires the City to conduct a special election at the next election date, and requires the submission to the qualified electors of the City for their ratification or rejection at said special election, of the proposition as set forth above. The Finance Director or his designated representative of the City is hereby authorized and directed to deliver a copy of this Resolution to the Whitman County Auditor, as the City's ex officio Supervisor of Elections, at least 45 days prior to the election date.
6. County Auditor. The Whitman County Auditor, as the City's ex officio Supervisor of Elections is hereby requested to also find the existence of such emergency and to deem the same to exist and to call and conduct said special election on Tuesday, September 17, 2002, and to submit to the qualified electors of the City the proposition as set forth herein.
7. Notice. The Whitman County Auditor shall cause a notice of special election substantially in the form attached as Exhibit "A" to be published at least once in a newspaper of general circulation within the City. Such publication shall take place not more than ten days nor less than three days prior to September 17, 2002.
8. Canvas. The Whitman County Auditor, as the City's ex officio Supervisor of Elections, shall conduct the election, canvas the vote and certify the results in the manner provided by law.
9. Effective Date. This Resolution shall be in full force and take effect immediately.

ADOPTED by the City Council of the City of Pullman at a regular meeting held on the 4th day of June, 2002.

DATED this 5th day of June, 2002.



Mayor

ATTEST:


Finance Director

* * * * *

CERTIFICATE

I, Jane Joyce, Deputy Clerk of the City Council of the City of Pullman, Washington, hereby certify that the foregoing Resolution is a full, true and correct copy of a resolution duly passed and adopted at a regular meeting of the City Council of the City, duly held at the regular meeting place thereof on June 4, 2002, of which meeting all members of said Council had due notice, and at which a majority thereof was present; and that at said meeting said resolution was adopted by the following vote:

AYES, and in favor thereof: Councilmembers Carey, Hinz, Paul, Sanders, Stiller, and Waldrop

NAYS: None

ABSENT: Councilmember Dougherty

ABSTAIN: None

I further certify that I have carefully compared the same with the original resolution on file and of record in my office; that said resolution is a full, true and correct copy of the original adopted at said meeting; and, that said resolution has not been amended, modified or rescinded since the date of its adoption.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the City on June 5, 2002.

CITY OF PULLMAN
Whitman County, Washington

By: Jane Joyce
Jane Joyce
Deputy City Clerk of the City
Council

(SEAL)

CITY OF PULLMAN
Whitman County, Washington

NOTICE OF SPECIAL ELECTION

NOTICE IS HEREBY GIVEN that a special election will be held within the City of Pullman, Washington (the "City"), on

SEPTEMBER 17, 2002

between the hours of 7:00 o'clock a.m. and 8:00 o'clock p.m. on said date, for the purpose of submitting to the qualified electors, for their ratification or rejection, the proposition, all as more fully set forth in Resolution No. R-47 -02, adopted by the City Council of the City on June 4, 2002, to levy a permanent regular property tax of \$.50 per \$1,000 of assessed valuation over and above the statutory limit for parks and recreation facilities.

The proposition shall be substantially the following form:

PROPOSITION NO.

METROPOLITAN PARK DISTRICT
CITY OF PULLMAN

Shall a metropolitan park district co-extensive with the limits of the City of Pullman as now or hereafter established be created and governed by the City Council of the City of Pullman as the ex officio Board of the metropolitan park district commissioners for the purpose of levying 50 cents per thousand dollars of assessed property value from and after January 1, 2003, to support the aquatics, parks and recreation programs?

INSTRUCTIONS TO VOTERS

To vote IN FAVOR of the foregoing Proposition, mark a cross (X) in the "FOR THE FORMATION OF A METROPOLITAN PARK DISTRICT TO BE GOVERNED BY THE CITY COUNCIL OF THE CITY OF PULLMAN AS THE EX OFFICIO BOARD OF THE METROPOLITAN PARK DISTRICT, YES" square.

To vote AGAINST the foregoing Proposition, mark a cross (X) in the "AGAINST THE FORMATION OF A METROPOLITAN PARK DISTRICT, NO" square.

FOR THE FORMATION OF A METROPOLITAN PARK DISTRICT TO BE GOVERNED BY THE CITY COUNCIL OF THE CITY OF PULLMAN AS THE EX OFFICIO BOARD OF THE METROPOLITAN PARK DISTRICT, METROPOLITAN PARK DISTRICT, YES

AGAINST THE FORMATION OF A METROPOLITAN PARK DISTRICT, NO

Said election will be held on Tuesday, September 17, 2002. The polls will be open from 7:00 o'clock a.m. and will remain open until 8:00 o'clock p.m., when they will close.

The location of the polling places shall be as follows:

Precinct

Location

DATED as of _____, 2002.

WHITMAN COUNTY, WASHINGTON

David G. Repp, Auditor, as ex
officio Supervisor of Elections
for the City of Pullman.

CERTIFICATE OF THE COUNTY AUDITOR OF
WHITMAN COUNTY, WASHINGTON

WHEREAS, the undersigned, as the duly elected, qualified and acting Auditor of Whitman County, Washington, has jurisdiction of and is required by law to conduct all special elections for cities within Whitman County; and

WHEREAS, the City Council of the City of Pullman (the "City") by Resolution No. R-47-02 adopted on June 4, 2002, a certified copy of which has been delivered to the undersigned, has found that an emergency exists requiring the holding of a special election on Tuesday, September 7, 2002; and

WHEREAS, the City by said Resolution has authorized and directed the undersigned to assume jurisdiction of and to conduct said special election within the City;

NOW, THEREFORE, it is hereby authorized and ordered as follows:

The undersigned concurs in the finding of an emergency and does hereby assume jurisdiction of the above-mentioned special election of the City of Pullman, Washington, authorized and ordered by Resolution No. R-47-02 of its City Council, adopted on June, 2002, and will conduct said special election to be held on Tuesday, September 7, 2002.

DATED at COLFAX, Washington, this 17th day of JULY, 2002.

WHITMAN COUNTY, WASHINGTON

David G. Repp

by Phyllis Seland, Chief Deputy

David G. Repp, Auditor as ex
officio Supervisor of Elections
for the City of Pullman.

TO: The Whitman County Auditor, as Ex Officio Supervisor of Elections for the City of Pullman, Washington

Pursuant to Resolution No. R-47-02, adopted by the City Council of the city of Pullman, Washington, at a regular meeting of said Council held on June 4, 2002, a copy of which Resolution is attached hereto and by this reference made a part hereof, you are respectfully requested to submit the following Proposition to the qualified electors of said City for their ratification or rejection, at a special election to be held on Tuesday, September 17, 2002.

METROPOLITAN PARK DISTRICT
CITY OF PULLMAN

Shall a metropolitan park district co-extensive with the limits of the City of Pullman as now or hereafter established be created and governed by the City Council of the City of Pullman as the ex officio Board of the metropolitan park district commissioners for the purpose of levying 50 cents per thousand dollars of assessed property value from and after January 1, 2003, to support the aquatics, parks and recreation programs?

INSTRUCTIONS TO VOTERS

To vote IN FAVOR of the foregoing Proposition, mark a cross (X) in the "FOR THE FORMATION OF A METROPOLITAN PARK DISTRICT TO BE GOVERNED BY THE CITY COUNCIL OF THE CITY OF PULLMAN AS THE EX OFFICIO BOARD OF THE METROPOLITAN PARK DISTRICT, YES" square.

To vote AGAINST the foregoing Proposition, mark a cross (X) in the "AGAINST THE FORMATION OF A METROPOLITAN PARK DISTRICT, NO" square.

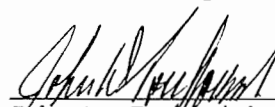
FOR THE FORMATION OF A METROPOLITAN PARK DISTRICT TO BE GOVERNED BY THE CITY COUNCIL OF THE CITY OF PULLMAN AS THE EX OFFICIO BOARD OF THE METROPOLITAN PARK DISTRICT, METROPOLITAN PARK DISTRICT, YES

AGAINST THE FORMATION OF A METROPOLITAN PARK DISTRICT, NO

It is the opinion of the City Council of the city of Pullman, Washington, there exists an emergency due to the need for parks and recreational facilities.

DATED as of June 5, 2002.

CITY OF PULLMAN
Whitman County, Washington



John D. Tonkovich, City Clerk
of the City Council

**WHITMAN COUNTY WASHINGTON
OFFICE OF THE TREASURER**

Robert J. Lothspeich, CPA, Treasurer



April 29, 2003

Pullman Metropolitan Park District
Board of Commissioners
325 SE Paradise Street
Pullman, WA 99163

RE: Designation of Troy Woo as District Treasurer

Dear Pullman Metropolitan Park District Commissioners:

The voters of the City of Pullman approved the Pullman Metropolitan Park District on September 17, 2002. With the approval of the park district, RCW 35.61.180 names me, Robert J. Lothspeich, Whitman County Treasurer, as the ex officio treasurer of the metropolitan park district.

RCW 35.61.180 allows a metropolitan park district to designate someone other than the County Treasurer to act as the district treasurer provided he or she has experience in financial or fiscal affairs and the board has received approval of the county treasurer.

I, Robert J. Lothspeich, Whitman County Treasurer, hereby give my approval for the Pullman Metropolitan Park District to name Troy Woo, City of Pullman Finance Director, the district treasurer.

If you have questions, please contact me at (509) 397-6230

Sincerely,

A handwritten signature in black ink, appearing to read "Robert J. Lothspeich". The signature is fluid and cursive.

Robert J. Lothspeich, County Treasurer
Whitman County

RESOLUTION NO. MPD- 1 -03

A RESOLUTION OF THE METROPOLITAN PARK DISTRICT OF THE CITY OF PULLMAN PROVIDING FOR THE ORGANIZATION OF THE DISTRICT AND OTHER MATTERS PROPERLY RELATED THERETO.

WHEREAS, the City Council for the city of Pullman, Washington, by Resolution No. R-47-02 asked the voters to create a metropolitan park district whose boundaries would be contiguous with the boundaries of the City of Pullman authorizing a property tax levy of 50 cents per thousand dollars of assessed valuation and providing for the City Council to serve as the Park District Commissioners; and,

WHEREAS, on September 7, 2002, the voters of Pullman approved the creation of a metropolitan park district, levy of a property tax in the amount of 50 cents per \$1,000 of assessed valuation and approve the City Council's governance of the Metropolitan Park District; and,

WHEREAS, Chapter 35.61 RCW provides for the authority to create, manage, control, improve, maintain, and acquire parks and recreational facilities by a metropolitan park district; and,

WHEREAS, the City Council of the City of Pullman is authorized pursuant to 35.61.050 to serve in an ex-officio capacity as the board of metropolitan park commissioners; and,

WHEREAS, this City Council acting in its ex-officio capacity as the board of metropolitan park commissioners desires to provide for organizational details of the district and its relationship to the City of Pullman; now, therefore,

IT IS HEREBY RESOLVED by the City Council, acting in its ex-officio capacity as the Board of Metropolitan Park Commissioners of Pullman, Washington, as follows:

1. PURPOSE. This resolution addresses the governance of the metropolitan park district and the City Council acting in an ex-officio capacity as the board of metropolitan park commissioners hereafter referred to as the PARK BOARD.
2. NAME. The name of the metropolitan park district shall be the Pullman Metropolitan Park District hereafter referred to as the Park District.

3. OFFICERS. The officers of the Park Board shall be a president and clerk of the Board elected from the City Council of the City of Pullman as required by RCW 35.61.120.
4. OFFICERS-ELECTION. At the last public meeting of the Park District, the City Council acting in its ex-officio capacity as the Park Board shall elect from one of its numbers a president and another of its numbers a clerk of the board by majority vote of the quorum of the Park Board in attendance at the meeting. The Mayor is authorized to hold office. In the event of a vacancy, the Park Board shall elect a successor to serve the balance of the term of the vacant position.
5. OFFICERS-TERM. The officers of the Park Board shall serve until a successor is elected and the failure to elect a successor as provided herein shall not operate as a removal of the existing officers.
6. OFFICERS-PRESIDENT. The President shall preside at all meetings of the Board. In the event of the President's absence or inability to preside, the Clerk of the Board shall assume the duties of presiding over the meetings of the Park Board and such other duties prescribed by the Park Board.

The President shall act as spokesperson for the Park District and shall act as its representative at meetings with other organizations, committees, and other such activities, unless another representative shall otherwise be authorized by the Park Board. The President may delegate to any boardmembers the duty of being a spokesperson or representative. The President shall be the chief executive and administrative officer of the Park Board.

7. RESOLUTIONS. The business of the Park District shall be conducted by resolution or motion. Resolutions of the Park Board shall be signed by the President and attested by the Clerk of the Board.
8. COMPETITIVE BIDDING. The Park Board waives competitive bidding requirements of RCW 39.04.280 if an exemption contained within RCW 39.04.280 applies to the purchase or public work as provided in RCW 35.65.135.

9. COMPENSATION. RCW 35.61.150 authorizes the Park Board to pay compensation to each of its Commissioners. The Park Board, by this resolution, intentionally declines to provide compensation for the Commissioners.
10. TREASURER. RCW 35.61.180 authorizes the County Treasurer to serve as the ex-officio treasurer of the district without compensation. The Park Board hereby designates the Director of Finance of the City of Pullman to serve as the district treasurer if the County Treasurer approves the designation of the City of Pullman's Finance Director subject to the requirements of a bond from a surety company operating in the state that is sufficient to protect the Park District from loss.
11. FUND. Pursuant to RCW 35.61.210 the Park Board hereby designates the fund for operations of the Park District as the Pullman Metropolitan Park District Fund and directs that all tax levies and other funds payable to the Park District shall be deposited to such fund.
12. MEETINGS. All meetings shall be conducted in accordance with the Open Meetings Law Chapter 42.30 RCW.
13. OFFICES. The offices of the Park District shall be at the Pullman City Hall, 325 SE Paradise Street, Pullman, WA 99163.
14. POWERS, PURPOSE, AND RESPONSIBILITIES.
 - a. The Park Board intends to exercise all powers, functions, rights, and privileges now or hereafter given or granted to a metropolitan park district.
 - b. The Park Board authorizes the negotiation of an interlocal agreement with the City of Pullman for the operation and management of parks and recreation activities funded by the Park District.
15. INTERPRETATION. This resolution is not intended to limit the powers granted to a metropolitan park district; and, therefore, should be liberally construed to carry out the intent of any grant of power to the Park District and its exercises provided for herein.

16. POWERS AND DUTIES OF THE BOARD. The Park Board intends to exercise all powers, functions, rights and/or purposes conveyed and delegated to a metropolitan park district pursuant to Chapter 35.61 RCW and other laws of the state of Washington.
17. PARLIMENTARY PROCEDURE. Unless otherwise governed by the provisions of the laws of the state of Washington, Roberts Rules of Order shall govern the conduct of all Park Board meetings.
18. MINUTES OF MEETINGS. The minutes of the proceedings of the Park Board shall be recorded and maintained by the district treasurer. The minutes shall reflect who attended the meeting. The minutes shall consist primarily of record of the action taken. Prior to the adoption of the minutes, copies of the proposed minutes shall be forwarded to all Park Board members prior to the next regular meeting for their reference and or correction.
19. COMMITTEES. The President may from time to time nominate Park Board members or others to serve on committees. The Park Board may also establish committees. Nominations to any committee shall be made by the President and approved by a quorum of the Park Board. The Park Board may recommend people to the President for appointment to any committee.
20. SEVERABILITY. If any provision of this resolution or its application to any person or circumstances is held invalid, the remainder of the resolution or the application of the provisions to other persons or circumstances shall not be affected.
21. SERVICE OF PROCESS. The President or Clerk of the Board shall receive on behalf of the Park Board all pleadings commencing an action against the Park District. Service on the President or Clerk of the Board shall constitute service on the Park District.
22. INDEMNIFICATION.
 - a. General. The Park District, pursuant to RCW 36.16.138 and Chapter 48.62 RCW, as hereafter amended, shall indemnify any person who was or is an elected or appointed commissioner, officer

(including committee members), or employee of the Park District that has been threatened or has been made a party to an action, claim, or other proceeding by a third party.

- b. Scope. The Park District shall pay the reasonable and necessary expenses that are actually incurred and connected with the defense, settlement, or monetary judgments, including costs, disbursements, and reasonable attorneys' fees arising out of any action, claim, or other proceeding, within the standard of conduct contained in Paragraph c. herein and for which notice has been given pursuant to Paragraph d. The Park Board shall be the sole judge of the reasonableness of expenses to be borne by the Park District. Indemnification shall not extend to any claim, action, or other proceeding against the Park District, either for indemnification or for other causes.
- c. Standard of Conduct. Indemnification shall be limited to any action, claim, or other proceeding threatened, pending, or instituted against any person who was, or is, at the time of the alleged conduct an elected or appointed commissioner, officer, or employee, and arising out of such person's performance, purported performance, or failure to perform in good faith the duties for, or employment with, the Park District.
- d. Determination of Conduct. Unless ordered or adjudged by a Court of competent jurisdiction, indemnification may be authorized only as follows:
 - (1) To the extent that the person has been successful on the merits, or otherwise in defense, such person shall be indemnified.
 - (2) With respect to any other determination of conduct, a majority vote of all the directors not interested in or party to the action, claim, or other proceeding. In the event a majority vote cannot be obtained because of disqualification of commissioners, then the

alternate or alternates of those disqualified shall be permitted to vote.

- (3) Indemnification shall not be authorized for any claim or action founded upon a statute, law, rule, or regulation punishable by fine, imprisonment, or both or for any claim or action against the Park District.
- (4) Notice to every commissioner, officer, or employee who seeks or believes he or she may claim indemnification must give notice, in writing, to the President of his or her interest to seek indemnification before incurring any costs, disbursements, or attorneys' fees for which indemnification is sought, and provide a copy of any and all claims, pleadings, reports, or other written statements regarding the allegations.
- (5) Expenses prior to determination. Expenses actually incurred in defending any action, claim, or other proceeding may be paid as incurred, and prior to final determination of conduct, if the action, claim, or other proceeding makes no assertion that the person names acted outside the scope of his or her employment or authority and that the Park District makes no claim that the persons acts or failure to act were outside the scope of the persons employment or authority.

e. Interpretation. This article of the bylaws is intended to exercise the authority contained in RCW 36.16.138 and Chapter 48.62 RCW, and that it be construed in light of such statutes and laws as hereafter amended and interpretative case law. Failure of the Park District to obtain insurance for any claim, action, or other proceeding against the Park District shall not be construed to limit this indemnification.

22. AMENDMENTS. This Resolution, as adopted by the Park Board may be revised or amended at any regular or special meeting of the Park Board.


ADOPTED by the Metropolitan Park District Board of the
City of Pullman at a special meeting held on the 24th day
of June, 2003.

DATED this 25th day of June, 2003.



President

ATTEST:



Clerk

AGREEMENT BETWEEN THE
METROPOLITAN PARK DISTRICT
AND THE
CITY OF PULLMAN

THIS AGREEMENT made this 25th day of June, 2003, by and between the City of Pullman, an optional municipal code city and municipal corporation operating pursuant to Title 35A of the RCW and other statutes applicable thereto ("CITY") and the Pullman Metropolitan Park District, a municipal corporation acting pursuant to Chapter 35.61 RCW and other statutes applicable thereto ("DISTRICT") (collectively the "PARTIES").

1. INTENT. This Agreement is an exercise of the authority of the City and District to enter into an interlocal agreement pursuant to Chapter 39.34 RCW.
2. PURPOSE. The City and District desire to provide for the operation and funding of public parks and recreation within the City and the District.
3. TERM. This Agreement shall be for a period of ten (10) years from the date of this Agreement, but shall continue thereafter on an annual basis unless otherwise terminated by the City or the District as provided in paragraph 9.
4. AUTHORITY OF THE CITY. The City shall operate all parks and recreation programs within the City and the District. The City shall have the sole authority to determine the scope, variety, facilities, and programs for parks and recreation. The City shall have the authority to employ such employees or agents to carry out parks and recreation activities and to enter into contracts for all purposes it deems necessary for operation of parks and recreation.
5. CONSIDERATION. In consideration of the City of Pullman's operation of parks and recreation programs, the District agrees to reimburse the City in an amount not to exceed tax receipts and other income of the District provided that the City of Pullman's expenditures are equal to or exceed the funding authorized and available to the District. The District shall not be responsible for any costs for parks and recreation that exceed receipts of taxes or funding available to the District for any given budget year.
6. PERSONAL PROPERTY. The City of Pullman shall hold title to all real property and personal property acquired by the City in furtherance of this Agreement. The District agrees that in the event of termination of this Agreement, all property acquired by the City during the terms of this Agreement shall be the property of the City of Pullman.


7. CITY AS DISTRICT AGENT. The District hereby appoints the City as its agent to apply for and accept grants of federal, state, private funds in order to accomplish the purposes of this Agreement. Provided that the City agrees to indemnify and hold the District harmless for the acts or omissions of the City with respect to all operations pursuant to this Agreement.
8. INDEMNIFICATION. District shall indemnify and hold the City and its respective officers, agents or employees, and each of them, harmless against liability costs and expense arising out of any and all claims or for loss or damage to property and for injuries to or deaths of any and all person or persons arising out of or resulting from the acts, errors or omissions of the City acting in accordance with this Agreement. The District agrees to give the City prompt notice of any claim made or suit instituted which in any way affects or might affect the City, and the City will have the right to compromise and defend same to the extent of its own interest.
9. TERMINATION. This Agreement may be terminated by either party giving at least 180-days written notice of termination.
10. NOTICE. Any notice or other communication given hereunder shall be deemed sufficient if in writing and delivered personally or sent by certified mail, return receipt requested, to the addressees as follows:

<p>CITY</p> <p>Mayor, City of Pullman</p> <p>325 SE Paradise Street</p> <p>Pullman, WA 99163</p>	<p>DISTRICT</p> <p>President</p> <p>325 SE Paradise Street</p> <p>Pullman, WA 99163</p>
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11. RATIFICATION AND FILING.
 - 11.1 Ratification. Each of the participating parties will activate this Interlocal Agreement by passing an appropriate Resolution or Motion, which will incorporate by reference the provisions hereof.
 - 11.2 Filing. Upon the execution of this Interlocal Agreement by CITY and DISTRICT an original thereof shall be filed with the City Clerk for the City of Pullman, the Whitman County Auditor, as required by the provisions of RCW 39.34.040 and DISTRICT.

CITY

DISTRICT




Mayor



President

ATTEST:



City Clerk



Clerk