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# DES MOINES POOL METROPOLITAN PARK DISTRICT BYLAWS

## ARTICLE 1 NAMES

The name of this Metropolitan Park District is the Des Moines Pool Metropolitan Park District ("District" or "DMPMPD"). The name of the governing Board is the Des Moines Pool Metropolitan Park District Board of Commissioners ("Board"). All actions of the DMPMPD may be performed using the name "DMPMPD".

## ARTICLE 2 ROLE AND PURPOSE

The Role and Purpose of the DMPMPD is to discharge its responsibilities for providing pool facilities as a public service to the residents of the geographic areas included within the City of Des Moines.

## ARTICLE 3 ORGANIZATION

The DMPMPD is organized as a Special Purpose District under and in conformity with the constitution and laws of the State of Washington, specifically Chapter 35.61 RCW (Metropolitan Park Districts) as now enacted or as it may hereafter be amended.

## ARTICLE 4 GOVERNING BODY

- 4.1 Board Membership.** The Board shall consist of FIVE (5) voting members who shall be elected per RCW 35.61.050 (2). The DMPMPD Board positions shall be determined by the election laws governing Metropolitan Park districts
- 4.2 Vacancies.** In the event of a vacancy, the Board shall fill the vacancy in the manner provided by statute (RCW 35.61.050).
- 4.3 Compensation.** Commissioners shall receive compensation pursuant to RCW 35.61.150 for each day or portion of a day in actual attendance at official Board meetings or in performance of their official services or duties on behalf of the District (Resolution No. 2009-04)
- 4.3.1 Stipend Waiver.** Board members can elect to waive their stipend in writing in advance of the meeting at which the stipend would be earned.
- 4.3b Stipend Donations.** If a board member elects to donate their stipend, they must receive the stipend and donate it to the scholarship fund.

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**4.4 Open Government Trainings Act.** The Open Government Trainings Act requires all elected officials to complete training courses related to the Public Records Act (RCW 42.56.150), Open Public Meetings Act (RCW 42.30.205) and RCW 40.14 related to records retention.

**4.4.1** Each local elected official appointed to fill a vacancy in a local or statewide office, must complete a training course regarding the provisions as indicated above.

**4.4.2** Officials required to complete training under this section may complete their training before assuming office but must:

- Complete training no later than ninety (90) calendar days after the date the official:
  - Takes the oath of office, if the official is required to take an oath to assume his or her duties; or
  - Otherwise assumes his or her duties as a public official.
- Complete refresher training at intervals of no more than four years for as long as he or she holds office.
- Training must be consistent with the Attorney General's model rules for compliance with the Public Records Act.
- Training may be completed remotely with technology including but not limited to internet-based training.

## **ARTICLE 5 ELECTED OFFICERS**

**5.1 Officers.** During the first regular meeting in January, the Board shall accept nominations and elect from its members a President and Clerk of the Board, which will fulfill the role of President and Clerk in accordance with RCW 35.61.120, and other officers as it may determine it requires who shall hold office until their successors have been duly elected.

**5.2 President.** The President shall be the presiding officer at meetings of the Board and will assure that an agenda is provided for each meeting and that the meeting will be conducted in accordance with the agenda. The President shall act as a spokesperson for the Board, and can sign all resolutions, contracts, and other instruments on behalf of the Board and as authorized by the Board. The President may make or second motions and may vote on any issue that comes before the Board.

**5.3 Clerk of the Board.** The Clerk of the Board shall assume the responsibilities and duties of the President in the absence or disability of the President. In accordance with RCW 42.24.180(3), the Clerk of the Board shall also oversee the approval of all checks or warrants issued in payment of claims.

## **ARTICLE 6 APPOINTED OFFICERS**

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- 6.1 Attorney.** The Board shall appoint, at a regular meeting, an attorney who shall advise the Board and its appointed officers on legal matters and represent the District in all such matters.
- 6.2 Treasurer.** The King County Treasurer shall serve as the ex-officio Treasurer of the Board pursuant to RCW 35.61.180. The Board may appoint, at a regular meeting, a District Treasurer who shall advise the Board and its appointed officers on financial matters including investing the financial assets of the District with the County Treasurer's approval per RCW 35.61.18.

## **ARTICLE 7 POWERS AND DUTIES OF THE BOARD**

- 7.1 POWERS AND DUTIES.** The Board shall have all the powers and duties as authorized by the Washington State Constitution and the laws of the State of Washington including, but not limited to chapter 35.61 RCW.
- 7.2 DISTRICT GOALS AND OBJECTIVES.** The Board shall establish Goals and Objectives which will establish a long-range plan in relation to the District's facility needs. In addition to the facility, the plan/goals and objectives should consider programs and the financing necessary to achieve these goals. The Goals and Objectives shall be reviewed annually and modified by the Board to reflect changes in the District and community's environment and needs. Goals and objectives will be presented to the board at the first retreat of each year.
- 7.3 DISTRICT POLICIES AND RULES.** The Board shall adopt policies and rules as necessary for the operation of the District and its facilities. These polices may include the following:
- a. Rules of conduct for patrons of the District's facilities.
  - b. The relationship of the District General Manager ("DGM") to the Board and the responsibilities of the DGM and District operation.
  - c. Policies concerning the administration of District personnel.
  - d. Programs offered to the district's patrons' hours of operation, maintenance and closures.
  - e. The financial policy of the District, an annual budget, tax levies and rates for the use of District facilities.

## **ARTICLE 8 COMMITTEES**

**GENERAL PROVISIONS.** Generally, the Board acts as a committee of the whole. The President may recommend the creation of *ad hoc* committees to facilitate the conduct of the

Board's affairs. Members of *ad hoc* committees will be nominated by the President and appointed by the Board.

## **ARTICLE 9 MEETINGS OF THE BOARD OF COMMISSIONERS**

**9.1 GENERAL PROVISIONS.** The DMPMPD is a Washington Municipal Corporation, and is subject to RCW Chapter 42.30, The Open Public Meetings Act, RCW Chapter 42.23, the Code of Ethics for Municipal Officers, and RCW Chapter 42.56, the Public Record Act. as each is now enacted or as it may hereafter be amended.

**9.2 REGULAR MEETINGS.** Regular business meetings of the Board will be held on the fourth Tuesday of each month at 7:00 PM at the Mount Rainier High School Library (22450 19<sup>th</sup> Avenue So.).

**9.2.1 Holidays.** If a regular Council meeting falls upon a legal (state/federal) holiday, the meeting will be held the subsequent business day. See [RCW 1.16.050](#) for more information.

**9.2.2 Hybrid Meetings.** All District meetings are currently being held where patrons and members of the community can attend virtually. This allows members of the community, staff and board members to attend all meetings by phone or virtually (computer) link for members of the community to view or participate in the meeting. For efficiency the board will request public members to email their remote questions or comments by noon on the day of the meeting, if they cannot attend in-person.

**9.2.2.a In-Person.** Members of the community and board members should notify the District General Manager (DGM) if they wish to attend the meeting in-person. Please notify the DGM by noon of the day of the meeting. This notification is due to the Mount Rainier High School (meeting location) being a secure building after hours. This allows staff to be prepared to grant access to the building. A sign with a contact phone number will be posted at the front door.

**9.2.3 Consent Agenda.** Each regular board meeting will include a consent agenda. The consent agenda will include routine/"housekeeping" items including minutes from previous meetings, vouchers and district reports. Commissioners have the ability to modify the consent agenda during the Adoption/Modification phase of the meeting. A majority of the board must vote to modify the consent agenda, Voting consists of accepting the consent agenda and voting on the vouchers.

**9.2.4 Reports.** A financial report and aquatics manager report will be presented quarterly. Below is a list of tentative dates reports will be produced. A month of preparation time is included for reports to be properly produced.

- Quarter 1 (January-March) – April board meeting
- Quarter 2 (April-June) – July board meeting
- Quarter 3 (July-September) – October board meeting
- Quarter 4 (October-December) – January board meeting

**9.2.5 Public Hearing.** A budget and levy certification hearing will be held the second Tuesday of November at 7:00pm. This is to allow ample time to send in signed levy and budget certification documents to King County.

**9.2.6 Minutes.** Minutes will be sent to board members for their review as soon as they are completed by the District Clerk. Minutes will be voted on at the next month's regular board meeting.

**9.3. PROHIBITED CONDUCT-** Commissioners Shall Not:

- 9.3.1.** Have an interest, financial or otherwise, direct or indirect, or engage in a business or transaction or professional activity or incur an obligation of any nature that is in conflict with the proper discharge of the District's duties.
- 9.3.2.** Be beneficially interested, directly or indirectly, in a contract, sale, lease, purchase, or grant that may be made by, through, or under the supervision of the the commissioner, in whole or in part, and shall not accept, directly or indirectly, any compensation, gratuity, or reward from any other person beneficially interested in any such contract, sale, lease, purchase, or grant, except as set forth below.
- 9.3.3.** Use the commissioner's position to secure special privileges or exemptions for the commissioner, or others.
- 9.3.4.** Give or receive or agree to receive any compensation, gift, reward, or gratuity from a source other than the District, for a matter connected with or related to the commissioner's services unless provided for by law.
- 9.3.5.** Receive, accept, take, seek, or solicit, directly or indirectly, anything of economic value as a gift, gratuity, or favor from a person if it could be reasonably expected that the gift, gratuity, or favor would influence the vote, action, or judgment of the commissioner, or be considered as part of a reward for action or inaction.
- 9.3.6.** Accept employment or engage in business or professional activity that the commissioner might reasonably expect would require or induce him or her by reason of his or her official position to disclose confidential information acquired by reason of his or her official position.
- 9.3.7.** Shall not disclose confidential information or otherwise use such information for the commissioner's personal gain or benefit.
- 9.3.8.** Except in the course of official duties or incident to official duties, assist any person, directly or indirectly, in a transaction involving the District, where such assistance is, or to a reasonable person would appear to be, enhanced or affected by the commissioner's position.
- 9.3.9.** Employ or use any District employee or other person, District funds or money, or District property under the commissioner's official control or direction, or in the commissioner's official custody, for the private benefit or gain of the commissioner, an employee of the District, or another person, except as allowed by law. This section does not prohibit use of public resources to benefit citizens or others when such is part of District functions or the commissioner's duties, or otherwise allowed by law.
- 9.3.10.** Use the facilities, personnel or resources of the District to assist or oppose a campaign for election or for the promotion or opposition to a ballot proposition, except pursuant to one of the recognized exceptions to RCW 42.17A.555.

- 9.3.11. Participate, by voting or otherwise, in any issue that comes before the Board of commissioners, when the commissioner has any direct or indirect personal or financial stake in the outcome of the matter.
- 9.3.12. Campaign for, or accept appointment or election to, any public office that would be incompatible with the office of the District, if concurrently serving on the Board.

**9.4. RECOMMENDED CONDUCT** - At All times a commissioner Should:

- 9.4.1. Respect and comply with the law.
- 9.4.2. Act at all times in a manner that promotes public confidence in District.
- 9.4.3. Participate in establishing, maintaining, and enforcing high standards of conduct and personally observe those standards.
- 9.4.4. Exhibit unquestionable integrity and have an uprightness of character and soundness of moral principle.
- 9.4.5. Show respect for others through temperance, fairness and civility in the execution of their duties and conduct of their personal life.
- 9.4.6. Have the courage to do what is right and stand up for those without power or authority.
- 9.4.7. Have compassion that is inherent to understanding another's problems while controlling and understanding personal feelings.
- 9.4.8. Conduct political campaigns in an honest and forthright manner, without attacking others in a negative way.
- 9.4.9. Lead by example.
- 9.4.10. Never forget that public office requires public trust and confidence.

**9.5. EXCEPTIONS.**

- 9.5.1. A commissioner is allowed by state statute to be financially involved in a contract with the District, so long as payment to the commissioner or his/her business does not exceed \$1,500.00 in any calendar month, provided that such commissioner shall not vote on any such contract in which he/she is beneficially interested. Moreover, such interest shall be disclosed to the governing body and noted in the minutes before formation of the contract.
- 9.5.2. A commissioner may accept a gift in the form of food or beverage on infrequent occasions in the ordinary course of performance of duties, but no such gift shall exceed a value of fifty dollars (\$50.00).
- 9.5.3. A commissioner is not deemed to have an interest in a contract, as those terms are used herein, if the commissioner has only a remote interest in the contract, so long as disclosure is made. A remote interest means, for example, the interest of a nonsalaried officer of a nonprofit corporation, the interest of a mere employee of a contracting party, where the compensation of that employee or commissioner consists entirely of fixed wages or salary, the interest of only a landlord or tenant of the contracting party, or the interest of a less than 1% shareholder of a contracting corporation or cooperative; provided that this exception does not apply to a commissioner

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who attempts to influence, or does influence other district officers with respect to entering into the contract.

- 9.6 ABSENCES.** Board members will inform the District Clerk if they are unable to attend any Board meeting, or if they knowingly will be late to any meeting. The minutes will show the Board member as having an excused absence unless the Board approves a motion declaring the absence to be unexcused.
- 9.6.1 Remote Participation.** Remote includes virtual (online) or by phone. A commissioner that participates remotely is no longer considered an excused absence. The District Clerk will note in the meeting minutes the remote participation of a commissioner.
- 9.7 SPECIAL MEETINGS.** Special meetings may be called according to the provisions of RCW 42.30.080 as now enacted or as it may hereafter be amended.
- 9.7.1 Public hearings.** Public hearings will be posted to local media, two business days before the meeting.
- 9.8 EXECUTIVE SESSIONS.** The Board may hold Executive Sessions for all purposes authorized by RCW 42.30.110 as now enacted or as it may hereafter be amended.
- 9.9 QUORUM.** A majority of the members of the Board will constitute a quorum.
- 9.10 TWO TOUCH RULE.** In order to allow the Board adequate time to consider issues prior to final decisions, the District Board and Staff should abide by the “Two Touch Rule”.
- First meeting informational
  - Second meeting for approval/denial
- 9.11 PARLIAMENTARY PROCEDURE.** Deliberations of the Board shall be guided by the rules of procedure for small boards established in the latest edition of *Roberts Rules of Order, Newly Revised* where those rules are not inconsistent with State law or these Bylaws.
- 9.12 AGENDA PACKETS.** Commissioners will be emailed a copy of their packets, the Thursday before each meeting. If staff needs additional time, they will notify the board by email. The agenda packet will be posted online, while paper copies of the agenda will be posted at the Mount Rainier Pool and District Offices. Board members may personally retrieve their agenda packets from the Mount Rainier Pool front desk. Board members should alert the District General Manager at least 2-business days before they pick up their packet.

## ARTICLE 10 AMENDMENTS

These Bylaws may be amended by resolution of the Board at a regular meeting. Bylaws will be reviewed at the final regular board meeting at the end of each year in order for the Board to review processes and adopt new ones if needed.

Adopted this 17 day of January 2023.

DES MOINES POOL METROPOLITAN PARK DISTRICT COMMISSIONERS

DocuSigned by:  
*Shane Young*  
Shane Young  
President and Commissioner

DocuSigned by:  
*Joe Dusenbury*  
Joe Dusenbury  
Clerk and Commissioner

DocuSigned by:  
*Gene Achziger*  
Gene Achziger  
Commissioner

DocuSigned by:  
*Holly Campbell*  
Holly Campbell  
Commissioner

DocuSigned by:  
*Shane Stender*  
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