



# BLACK LAKE SPECIAL DISTRICT

---

**Black Lake Special District Work Session**  
**Monday, February 8, 2016 • 5:30 pm • [1520-A Irving St](#), Tumwater**

## AGENDA

1. Open Public Meetings Act Training
2. Roll Call
3. Approval of Agenda
4. Public Communication  
*(Estimated Time: 0-30 Minutes, Sign-up Sheets are provided)*  
*During this portion of the meeting, citizens may address the Board for up to 3 minutes regarding items related to Special District business. In the event testimony exceeds 30 minutes, the Commission will allow for additional testimony to be taken at the end of the meeting for those who signed up at the beginning of the meeting and did not get an opportunity to speak during the allotted 30-minutes.*
5. Informational Materials (No Action Required)  
*Attachments: January 11, 2016 Work Session Minutes  
January 25, 2016 Regular Meeting Minutes*
6. Warrant Requests  
*Attachments: OrgSupport Invoice #1207  
Thurston GeoData Center #25-1602-12*
7. New Business
  - a. 2016 Exemptions (*Attachment*)
  - b. Appointment Process
8. Old Business
  - a. Final Comments to Herrera on Bid Document
  - b. Review of Thurston First Offer (*Attachment*)
  - c. DRAFT Policy Manual Review
  - d. Insurance Coverage
9. Reports and Referrals
10. Continued Public Communication  
*(If needed for those who signed up earlier and did not get an opportunity to speak during the allotted 30 minutes.)*
11. Adjournment of Public Meeting

### Next Meetings:

Regular Meeting, Monday, February 22, 2016, 5:30pm (OrgSupport office)



# BLACK LAKE SPECIAL DISTRICT

Black Lake Special District Work Session  
Monday, January 11, 2016 • 5:30 pm • [1520-A Irving St](#), Tumwater

## MINUTES

### 1. Roll Call

**Commissioner Stintzi called the meeting to order at 5:40 pm.**

**Present:** Lake Stintzi  
John Henkle  
Vernon Bonfield

### 2. Approval of Agenda

**Commissioner Henkle moved to approve the Agenda as amended, second by Commissioner Bonfield; passed unanimously.**

### 3. Open Public Meetings Act Training – Tabled to February 1, 2016 meeting. *OrgSupport will include with the meeting announcement that the first 30 minutes of the meeting will be spent in OPMA training.*

### 4. Public Communication – None.

### 5. Review Alum Treatment Plan and Bid Documents

- a. Commissioners discussed the treatment plan revisions with Rob Zisette, including a reduction of the amount of alum. The primary reduction in needed alum resulted from looking at active biogenic phosphorus instead of total organic phosphorus. The revised does is 1.9 mg/liter, or about 40% of the original estimate.
- b. Commissioners encouraged securing the county ramp as the staging site.
- c. Research continues to find out if there are any animal issues.
- d. Rob Zisette reported there was a single comment, which he will try to obtain.
- e. Mr. Zisette recommends requiring the submission of a treatment work plan along with bids. Directors concurred they wish to request a treatment plan along with bids.
- f. The schedule for the treatment is:
  - i. 1/22 Herrera draft package to BLSO.
  - ii. 1/25 BLSO comments – financing preliminary approval.
  - iii. 2/12 Final to BLSO – financing final approval.
  - iv. 2/22 Release of bid – staging site identified and approved (included in bid specs).
  - v. 3/7 Bids due.
  - vi. 3/14 BLSO selects contractor.
  - vii. 4/11-4/16 treatment.
- g. Directors requested ‘borrowing from Thurston First’ on the agenda for approval at the next regular meeting, January 25<sup>th</sup>.

### 6. Informational Materials (No Action Required)

*Attachments: December 3, 2015 Work Session Minutes*

### 7. 2016 Meeting Dates – 1<sup>st</sup> and 3<sup>rd</sup> Monday of the month at 5:30 pm

**Commissioner Stintzi moved to designate the 2<sup>nd</sup> and 4<sup>th</sup> Monday of the month at 5:30 pm for the 2016 regular meeting dates, second by Commissioner Bonfield; passed unanimously.**



# BLACK LAKE SPECIAL DISTRICT

---

## 8. Warrant Requests

*Attachments:*

*OrgSupport Invoice #1181*

Commissioners reviewed the warrant request and asked the warrant be included for approval on the January 25 meeting. .

## 9. Reports and Referrals

- a. Commissioner Stintzi reported only two individuals filed for election to the BLSD.

## 10. Continued Public Communication

*(If needed for those who signed up earlier and did not get an opportunity to speak during the allotted 30 minutes.)*

## 11. Adjournment of Public Meeting

**Commissioner Stintzi adjourned the meeting at 6:40 pm.**

### **Next Meetings:**

Regular Meeting, Monday, January 18, 2016 5:30pm (OrgSupport office)

Work Session, Monday, February 1, 2016, 5:30pm (OrgSupport office)



# BLACK LAKE SPECIAL DISTRICT

---

BLACK LAKE SPECIAL DISTRICT MEETING  
Monday, January 25, 2016 • 5:30 pm • [1520-A Irving St](#), Tumwater

## MINUTES

## ACTION ITEMS

- Commissioners will review the alum application plan documents and email questions for the contractor to [info@blacklakespecialdistrict.org](mailto:info@blacklakespecialdistrict.org) by close of business, February 3<sup>rd</sup>.
- Commissioner Stintzi will request a commitment letter showing a 5-year and 7-year rater from Thurston First Bank for review and possibly action by the BLSD at the February 8 or February 22 meeting.

1. Roll Call – Commissioner Stintzi called the meeting to order at 5:45pm.

Present: Lake Stintzi  
Vernon Bonfield  
John Henkle

2. Approval of Agenda – Commissioner Stintzi moved approval of the January 25<sup>th</sup> agenda as presented, second by Commissioner Bonfield; passed unanimously.

3. Public Communication

4. Approval of Consent Agenda

Attachments: *December 3, 2015 Work Session Meeting Minutes*  
*January 11, 2016 Work Session Meeting Minutes*

**Commissioner Stintzi moved approval of the Consent Agenda as presented, second by Commissioner Bonfield; passed unanimously.**

5. Review Application RFP – Commissioners discussed the draft alum treatment documents, including scheduling and the general notice process. One additional notification step is required, mailing between 10-42 days before the application, with a copy of the notice to the Department of Ecology. Commissioners discussed whether to post to a larger reaching advertising platform as outlined in the treatment plan.

- a. Commissioner Stintzi will communicate with Patty May about the use of alum. Key points are that it is not an herbicide, it is commonly used to treat drinking water, and it will eliminate toxic blooms of algae.
- b. Commissioners will review the alum application plan documents and email questions for the contractor to [info@blacklakespecialdistrict.org](mailto:info@blacklakespecialdistrict.org) by close of business, February 3<sup>rd</sup>. OrgSupport will email the documents for review and reminders to commissioners about the deadline.

6. Financing Preliminary Approval – Thurston First Bank – Commissioner Stintzi will request a commitment letter showing a 5-year and 7-year rater from Thurston First Bank for review and possibly action by the BLSD at the February 8 or February 22 meeting.

7. Warrant Requests

Attachments: *OrgSupport Invoice #1124*  
*Herrera Invoice 37908*



# BLACK LAKE SPECIAL DISTRICT

---

**Commissioner Stintzi moved approval of Item 7, Warrant Requests, second by Commissioner Bonfield; passed unanimously.**

8. Reports and Referrals
  - a. Burlap Bottom Barrier – *OrgSupport will contact Tim and Nita with Save Black Lake to learn if they are able to receive the burlap from the county and notify the county of the outcome.*
  - b. Election Process Update – Commissioners discussed the timeline for the election. Only two candidates filed for three seats. The Board of County Commissioners will appoint to the third seat should John Henkle choose to resign.
  
9. Continued Public Communication  
*(If needed for those who signed up earlier and did not get an opportunity to speak during the allotted 30 minutes.)*
  
10. Adjournment of Public Meeting – **With no further business to come before the Special District, Commissioner Stintzi adjourned the meeting at 7:30 pm.**

**Next Meetings:**

Work Session, Monday, February 8, 5:30 pm (OrgSupport office)  
Regular Meeting, Monday, February 22, 5:30pm (OrgSupport office)



## OrgSupport

120 State Avenue NE, #303  
Olympia, WA 98501

## Invoice

Date	Invoice #
3/1/2016	1207

Bill To
Black Lake Special District 120 State Avenue NE, #303 Olympia, WA 98501

Description	Qty	Rate	Amount
Contract Services - February	1	2,500.00	2,500.00
Printing B&W	797	0.10	79.70
Stamps	2	0.49	0.98
Office Supplies - Tax Forms	3	1.00	3.00
<b>Total</b>			<b>\$2,583.68</b>



COUNTY COMMISSIONERS  
 Cathy Wolfe  
 District One  
 Sandra Romero  
 District Two  
 Bud Blake  
 District Three

**CENTRAL SERVICES DEPARTMENT**

*Creating Solutions for Our Future*

Martin D. Casey, Director

***Thurston GeoData Center - Billing Invoice***

**Company:** Black Lake Special District  
**Attn:** Lydia  
**Address:** 120 State Ave NE, #303  
Olympia, WA 98501-  
**Phone No:** (360) 867-8814 ext:

**Invoice No:** 25 - 1602 - 12  
**Order Date:** 2/1/2016  
**Ship Date:** 2/1/2016  
**Method:** E-mail

**Notes:** Update Parcel Map and Spreadsheet for Black Lake Special Use District

***You are hereby requested to pay the total shown below to the County of Thurston:***

<i>Product Name</i>	<i>Unit Price</i>	<i>Quantity</i>	<i>Net Amount</i>	<i>Discount</i>	<i>Item Total</i>
Custom Map 11x17, 15 minute minimum	\$24.00	1	\$24.00	50.00%	\$12.00
<b>Sub-Total:</b>					\$12.00
<b>Freight Charge:</b>					\$0.00
<b>Tax:</b>					\$1.06
<b>Total:</b>					\$13.06

A convenience fee of 2.35%, based on the total, or a minimum of \$2.00, is charged on Credit Card payments.

***For Questions Regarding this Order please contact GeoData at (360) 754-4594***

***Make Check Payments to:***

Thurston County Central Services  
 Attn: Central Services Accountant  
 2000 Lakeridge Drive. SW  
 Olympia, WA 98502

***Make Credit Card Payments to:***

Thurston GeoData Center  
 (360) 754-4594

# Printable View

To print this document please press



Thurston County Treasurer  
2000 Lakeridge Dr. SW  
Olympia, WA 98502  
(360) 786-5550

[Smart phone Quick Pay version](#)

## Property Account Summary

Property Number	77700600000	Property Address	7014 LAKESIDE ST SW , OLYMPIA, WA 98512
-----------------	-------------	------------------	---

### Parties

Role	Percent	Name	Address	Last Update
Taxpayer	100	DONALD H BECK	7014 LAKESIDE ST SW, OLYMPIA, WA 98512 UNITED STATES	01/01/1980
Owner	100	DONALD H BECK	7014 LAKESIDE ST SW, OLYMPIA, WA 98512 UNITED STATES	01/01/1980

No Taxes Owed at this Time. No Charges are currently due.

If you believe this is incorrect please contact our office at 360-786-5550.

[Installments Payable/Paid For Tax Year\(Enter 4-digit Year, then Click-Here\):](#) 2015

### Distribution of Current Taxes and Assessments

District	Levy Rate (rounded)	Amount	Voted Amount	Non-Voted Amount
CONSERVATION FUTURES	0.05	5.54	0.00	5.54
COUNTY ROAD	1.58	186.69	0.00	186.69
FIRE DISTRICT #05	1.50	176.82	0.00	176.82
MEDIC ONE	0.37	43.78	43.78	0.00
PORT OF OLYMPIA	0.19	22.03	0.00	22.03
PUD #1	0.01	1.15	0.00	1.15
STATE OF WASHINGTON	2.28	268.61	0.00	268.61
THURSTON COUNTY	1.34	158.11	0.00	158.11
TIMBERLAND LIBRARY	0.41	48.48	0.00	48.48
BLACK LAKE DISTRICT		391.80	0.00	391.80
CONSERVATION DISTRICT		5.00	0.00	5.00

### Receipts

Date	Receipt No.	Amount Applied	Amount Due	Tendered	Change
11/02/2015	<a href="#">4103693</a>	654.01	654.01	654.01	0.00
05/01/2015	<a href="#">4005011</a>	654.00	1,308.01	654.00	0.00
10/31/2014	<a href="#">3887086</a>	481.64	481.64	481.64	0.00
04/29/2014	<a href="#">3774586</a>	481.64	963.28	481.64	0.00
10/31/2013	<a href="#">3670059</a>	529.25	529.25	529.25	0.00
04/30/2013	<a href="#">3563901</a>	529.25	1,058.50	529.25	0.00
11/20/2012	<a href="#">3464696</a>	553.57	1,281.47	1,281.47	0.00
04/27/2012	<a href="#">3333811</a>	548.07	1,096.15	548.07	0.00
10/31/2011	<a href="#">3229947</a>	629.22	629.22	629.22	0.00
05/06/2011	<a href="#">3148601</a>	300.00	929.22	300.00	0.00



General Information	
Abbreviated Legal	Section 06 Township 17 Range 2W Quarter SE SW Plat SUNRISE PARK LT 6 Document 011/028
Property Category	Land and Improvements
Status	Active, Locally Assessed
Tax Code Area	455

Property Characteristics	
Use Code	11 Single Unit
Size in Acres	0.69

Related Properties	
No Properties Found	

Active Exemptions	
Senior/Disabled Level A	2.00

Property Values					
Value Type	Tax Year 2015	Tax Year 2014	Tax Year 2013	Tax Year 2012	Tax Year 2011
Taxable Value Regular	118,040	120,040	127,440	140,000	162,080
Exemption Amount Regular	177,060	180,060	191,160	210,000	243,120
Market Total	295,100	300,100	318,600	350,000	405,200
Assessed Value	295,100	300,100	318,600	350,000	405,200
Market Land	193,100	200,100	200,100	221,000	254,800
Market Improvement	102,000	100,000	118,500	129,000	150,400
Personal Property					

February 4, 2016

Lake Stintzi  
Black Lake Special District

Dear Lake,

The following outlines the loan terms under which Thurston First bank proposes meeting your financing needs.


- Borrower:** Black Lake Special District
- Lender:** Thurston First Bank
- Credit Facility:** Fully amortizing term loan
- Loan Amount:** \$260,000
- Maturity Date:** 5 or 7 years
- Guarantor:** No personal guarantor
- Interest Rate:** 5 year = 4.50% 7 year = 4.75%
- Approx. Payment:** 5 year = \$58,166 Annually 7 year = \$43,732 Annually
- Prepayment Penalty:** None
- Loan Fee:** 0.50% of the loan amount; \$1,300
- Document Fee:** Custom loan documents prepared by the office of Eisenhower Law  
Estimated cost = \$2,000
- Repayment Terms:** Bi-annual payments.
- Collateral:** 1<sup>st</sup> lien position UCC-1 security filing on real estate tax payments collected by Thurston County.

**Comments:**

1. Execution of credit agreements and other documents, including Resolutions, Security Agreement, Note and other forms usual and customary and deemed necessary by Lender.
2. Borrower to establish a depository account with Lender prior to funding and maintain this account for the term of the loan.

I look forward to working with you on this transaction and encourage you to feel free to contact me at (360) 528-4104 with any questions that you may have concerning this proposal and/or Thurston First Bank.

Sincerely,

Ken Pekola   
SVP; Chief Lending Officer  
(360) 528-4104

360.528.4111  
Fax 360.528.2154

P.O.Box 7877  
Olympia, WA 98507-7877

600 Franklin Street SE, Suite 102  
Olympia, WA 98501  
www.thurstonfirstbank.com

# TABLE OF CONTENTS

	<u>PAGE</u>
<b>ARTICLE 1 Definitions.....</b>	<b>1</b>
<b>ARTICLE 2 Identification .....</b>	<b>2</b>
<b>ARTICLE 3 Formation And Purpose.....</b>	<b>2</b>
Section 3.1. Purpose .....	2
Section 3.2. BLSD Established.....	2
Section 3.3. Governance.....	2
Section 3.4. Duration; Accountability .....	2
Section 3.5. Powers of BLSD .....	3
Section 3.6. Organization And Operation Generally .....	4
Section 3.7. District Office .....	5
Section 3.8. Boundaries Of The District.....	5
Section 3.9. Copyright.....	5
<b>ARTICLE 4 The Governing Body: The Board Of Directors .....</b>	<b>5</b>
Section 4.1. Number And Qualifications.....	5
Section 4.2. Powers and Duties of the Board of Directors. ....	5
Section 4.3. Quorum and Board Action. ....	6
Section 4.4. Director’s Term Of Office.....	6
Section 4.5. Initial Directors .....	6
Section 4.6. Vacancies .....	6
Section 4.7. Bond.....	6
Section 4.8. Indemnification.....	7
Section 4.9. Compensation .....	7
Section 4.10. Directors’ Mail – Via U. S. Postal Service Or Electronic .....	9
Section 4.11. Directors’ Telephone Numbers .....	9
Section 4.12. Directors Subject to Certain RCWs.....	10
Section 4.13. Directors Not to Testify in Official Capacity .....	10
Section 4.14. Director Absent From BLSD For More Than Fifteen (15) Consecutive Days	10
Section 4.15. Use of BLSD Personnel, Property Or Funds.....	10
Section 4.16. Attorney-Client Privilege .....	10
<b>ARTICLE 5 Elections And Voting Requirements.....</b>	<b>10</b>
Section 5.1. Generally .....	10
Section 5.2. Eligibility to be an Elected or Appointed Director of BLSD .....	11
Section 5.3. First Elections of BLSD to Occur In 2016 .....	11

Section 5.4.	Subsequent Elections .....	11
Section 5.5.	Oath .....	12
Section 5.6.	Delivery of Property to Successor .....	12
Section 5.7.	Procedure Upon Vacancy .....	12
Section 5.8.	Voting Rights of The Qualified Voter(s) of The Special District. ....	12
Section 5.9.	Eligible Voters List.....	13
Section 5.10.	When Elections Are Not Required .....	14
Section 5.11.	Thurston County Auditor to Assist With Elections.....	14
Section 5.12.	When Auditor Must Conduct BLSD Elections .....	14
Section 5.13.	When BLSD May Conduct Its Own Elections .....	15
 <b>ARTICLE 6 Officers.....</b>		<b>15</b>
Section 6.1.	Officers .....	15
Section 6.2.	Election Of Officers.....	15
Section 6.3.	Term Of Office .....	15
Section 6.4.	Vacancies.....	15
Section 6.5.	Duties And Responsibilities of The Chairman .....	15
Section 6.6.	Duties And Responsibilities of The Vice-Chairman. ....	16
Section 6.7.	Duties And Responsibilities of The Secretary.....	16
Section 6.8.	Removal From Office .....	17
 <b>ARTICLE 7 Meetings.....</b>		<b>17</b>
Section 7.1.	Types of Meetings .....	17
Section 7.2.	Regular Meetings.....	17
Section 7.3.	Special Meetings.....	17
Section 7.4.	Public Records Available for Inspection on Day of Meeting.....	18
Section 7.5.	Meetings Postponed.....	18
Section 7.6.	Minutes .....	18
Section 7.7.	Adjournments .....	19
Section 7.8.	Adjournment - Notice To Directors.....	19
Section 7.9.	Adjournment - Notice On Door.....	19
Section 7.10.	Executive Sessions .....	19
Section 7.11.	Agenda And Public Comment - Board Meetings .....	20
Section 7.12.	Quorum and Action by the Board.....	22
Section 7.13.	Open Public Meetings .....	22
Section 7.14.	Parliamentary Authority .....	22
Section 7.15.	Conflicts of Parliamentary Authority .....	22
 <b>ARTICLE 8 Ad Hoc Committees.....</b>		<b>22</b>

<b>ARTICLE 9 Public Records .....</b>	<b>22</b>
Section 9.1. Records Available.....	22
Section 9.2. Indexing.....	22
Section 9.3. Request For Public Records/Inspection.....	23
Section 9.4. Photocopying.....	23
Section 9.5. Photocopying - Charges.....	23
Section 9.6. Protection Of Records .....	23
Section 9.7. Exemptions From Disclosure .....	24
Section 9.8. Denial Of Requests .....	24
Section 9.9. Court Protection.....	24
Section 9.10. Retention And Destruction – Schedule .....	24
<b>Article 10 Budgets And Financing .....</b>	<b>24</b>
Section 10.1. Overview of BLSD Financing.....	24
Section 10.2. Budget.....	24
Section 10.3. Thurston County Treasurer as <i>Ex Officio</i> BLSD Treasurer .....	25
Section 10.4. District Funds .....	25
Section 10.5. Requesting a Check From The Thurston County Treasurer.....	25
Section 10.6. Monthly Reports from the Thurston County Treasurer.....	25
Section 10.7. Rates And Charges .....	25
Section 10.8. Special Assessments .....	26
Section 10.9. Criteria For Measuring Degrees or Ratios of Benefit or Use .....	27
Section 10.10. Authorized Uses For Special Assessments.....	28
Section 10.11. County to Establish System(s) of Assessment.....	28
Section 10.12. Delinquent Special Assessments .....	28
Section 10.13. Special Assessment Bonds Authorized.....	28
Section 10.14. Special Assessment Bonds - Terms of Issuance.....	28
Section 10.15. Utility Revenue Bonds.....	28
Section 10.16. Provision for Payment of Bonds .....	29
<b>ARTICLE 11 Purchasing Policy .....</b>	<b>29</b>
Section 11.1. Purchasing Policy .....	29
Section 11.2. Direct Purchasing .....	29
Section 11.3. Price Quotations .....	29
Section 11.4. Construction Contracts, Public Bidding Required. ....	29
Section 11.5. Procedures For Contracting For Projects And Proposed Services .....	30
Section 11.6. Exceptions to Price Quotations or Competitive Bidding.....	30
Section 11.7. Procurement of Architectural And Engineering Services .....	30
Section 11.8. Contracts With the United States or Washington State.....	32
Section 11.9. Installment Contracts.....	32
Section 11.10. Contractor’s Bond.....	32
Section 11.11. Personal Interest of Board of Directors in Contracts Prohibited .....	32

<b>ARTICLE 12</b>	<b>Miscellaneous .....</b>	<b>32</b>
Section 12.1.	Procedure For Claims Against BLSD. ....	32
Section 12.2.	Eminent Domain.....	33
Section 12.3.	Construction of System Across Public or Other Road or Public Utility .....	33
Section 12.4	Liability of City, Town or Subdivision .....	33
Section 12.5	Annexation of Contiguous Territory. ....	33
Section 12.6.	Consolidation of Contiguous Districts. ....	33
Section 12.7.	Withdrawal of Area Within City or Town.....	34
Section 12.8.	Revision of BLSD .....	34
Section 12.9.	Transfer of Territory From One Special District to Another.....	34
Section 12.10.	Suspension of Operations.....	34
Section 12.11.	Dissolution of BLSD.....	35
Section 12.12.	Amendments. ....	35

**ARTICLE 1**  
**Definitions**

As used in these Bylaws, the following capitalized terms shall have the meanings specified as follows:

“BLSD,” “Special District,” and “District” shall all mean the Black Lake Special District.

“Board” means the Board of Directors of the Black Lake Special District.

“Board Director” means a director who is serving on the Board.

“Budget” means the annual planned detail of revenues and expenses used to provide guidelines for District operations.

“Governing Body” means the Board of Directors of the Special District. Within these Bylaws, Governing Body shall be interchangeable with Board of Directors. *RCW 85.38.010(1)*.

“Owner of Land” means the record owner of at least a majority ownership interest in a separate and legally created lot or parcel of land, as determined by the records of the County Auditor, except that if the lot or parcel has been sold under a real estate contract, the vendee or grantee shall be deemed to be the owner of such land for purposes of authorizing voting rights. It is presumed, unless shown otherwise, that the name appearing as the owner of property on the tax rolls is the current owner. *RCW 85.38.010(2)*.

“Qualified Voter of a Special District” means a person who is either: (a) a natural person who is a voter under general state election laws, registered to vote in the state of Washington for a period of not less than thirty (30) days before the election, and the owner of land located in the special district for a period of not less than thirty (30) days before the election; (b) a corporation or partnership that has owned land located in the Special District for a period of not less than sixty (60) days before the election; or (c) the state, its agencies or political subdivisions that own land in the Special District or lands proposed to be annexed into the Special District, except that the state, its agencies and political subdivisions shall not be eligible to vote to elect a member of the Governing Body of the Special District. *RCW 85.38.010(3)*.

“RCW” means the *Revised Code of Washington*.

“Special District General Election” means the election of a Special District regularly held on the first (1<sup>st</sup>) Tuesday after the first (1<sup>st</sup>) Monday in February in each even-numbered year at which a member of the Special District Governing Body is regularly elected. *RCW 85.38.010(5)*.

“WAC” means the *Washington State Administrative Code*.

***Remainder Of Page Intentionally Left Blank***

**ARTICLE 2**  
**Identification**

The name of the organization is the Black Lake Special District (“BLSD”). The BLSD headquarters shall be located in such place as the Board of Directors shall specify, by resolution, in the County of Thurston, State of Washington.

**ARTICLE 3**  
**Formation And Purpose**

**Section 3.1. Purpose**

The purpose of BLSD is to serve the public welfare by improving and maintaining the water quality of Black Lake for local homeowners, those with lake access, visitors, fish, and wildlife. BLSD shall operate within the boundaries of RCW 85.38 and RCW 86.09 for the purpose of engaging in activities for a lake or beach management district. The goal of BLSD is to maintain a healthy and ecological balance in the lake, so it may be enjoyed by swimmers, boaters, fishermen, and campers. *RCW 86.09.151, 86.09.004, 86.09.010.*

The purpose of these Bylaws is to provide guidance to the Governing Body of BLSD regarding operations, elections and management of BLSD.

**Section 3.2. BLSD Established**

BLSD was created in Thurston County pursuant to Chapter 85.38 RCW on November 19, 2013. *Thurston County Resolution No. 14967.* BLSD further defined its scope and purpose by adopting the Flood Control District Statutes. BLSD Resolution No. 14-08; RCW 86.09. *RCW 86.09.001. 86.09.020.*

**Section 3.3. Governance**

BLSD is governed by RCW 85.38. *Thurston County Resolution No. 14967.* BLSD is further governed by RCW 86.09. *BLSD Resolution No. 14-08.* The initial members of the Governing Body were appointed by the Thurston County Commissioners on December 10, 2013, by Resolution No. 14967. *Thurston County Resolution No. 14967.*

**Section 3.4. Duration; Accountability**

BLSD shall exist in perpetuity. The Governing Body has created accountability measures to monitor the ongoing viability of the Special District. Every three (3) years, the Governing Body shall review the effectiveness of BLSD and evaluate results of the accountability measures to determine the effectiveness and viability of BLSD. *BLSD Petition to the Thurston Board of County Commissioners.*



### **Section 3.5. Powers of BLSD**

The Governing Body of BLSD is given powers and responsibilities by Thurston County Resolution No. 14867 and by Washington state law, namely RCW 85.38 and 86.09. *RCW 86.09.151, RCW 86.09.020.*

The specific powers granted to BLSD are enumerated in *RCW 85.38.180 and RCW 86.09*, and include the following:

- Section 3.5.1.** Engage in flood control activities, and investigate, plan, construct, acquire, repair, maintain, and operate improvements, works, projects, and facilities necessary to prevent inundation or flooding from rivers, streams, tidal waters or other waters. Such facilities include dikes, levees, dams, banks, revetments, channels, canals, drainage ditches, tide gates, flood gates, and other works, appliances, machinery, and equipment. *RCW 85.38.180*
  
- Section 3.5.2.** Engage in drainage control, storm water control, and surface water control activities, and investigate, plan, construct, acquire, repair, maintain, and operate improvements, works, projects, and facilities necessary to control and treat storm water, surface water, and flood water. Such facilities include drains, flood grates, drainage ditches, tide gates, ditches, canals, non sanitary sewers, pumps, and other works, appliances, machinery, and equipment. *RCW 85.38.180*
  
- Section 3.5.3.** Engage in lake or river restoration, aquatic plant control and water quality enhancement activities, and in activities authorized under RCW 36.61.020 for lake or beach management districts. *RCW 85.38.180, RCW 86.09.151.*
  
- Section 3.5.4.** Take actions necessary to protect life and property from inundation or flow of flood waters, storm waters, or surface waters. *RCW 85.38.180*
  
- Section 3.5.5.** Acquire, purchase, condemn by power of eminent domain pursuant to Chapters 8.08 and 8.25 RCW, or lease in its own name, necessary property, property rights, facilities, and equipment. *RCW 85.38.180, 86.09.151, 86.09.202*
  
- Section 3.5.6.** Sell or exchange surplus property, property rights, facilities, and equipment. *RCW 85.38.180*
  
- Section 3.5.7.** Accept funds and property by loan, grant, gift, or otherwise from the United States, the State of Washington, or any other public or private source. *RCW 85.38.180*

- Section 3.5.8.** Hire staff, employees, or services or use voluntary labor and appoint or employ officers and/or agents. *RCW 85.38.180; RCW 86.09.151.*
- Section 3.5.9.** Sue and be sued. *RCW 85.38.180; RCW 86.09.151.*
- Section 3.5.10.** Cooperate with or join the United States, the state of Washington, or any other public or private entity or person for District purposes. *RCW 85.38.180*
- Section 3.5.11.** Enter into contracts. *RCW 85.38.180, 86.09.151.*
- Section 3.5.12.** Exercise any of the usual powers of a corporation for public purposes. *RCW 85.38.180, RCW 86.09.148.*
- Section 3.5.13.** To levy and enforce the collection of special assessments for BLS D revenues. *RCW 86.09.151.*
- Section 3.5.14.** BLS D Board, its agents and employees have the right to enter upon any land, to make surveys and locate the necessary flood control works and the line for canals, dikes, and other instrumentalities. *RCW 86.09.226.*
- Section 3.5.15.** Possess all the powers that may now or hereafter be conferred by law and to do any and all lawful acts required and expedient to carry out the purposes of the Flood Control District Chapter. *RCW 86.09.148, RCW 86.09.151.*
- Section 3.5.16.** To construct, operate and maintain any and all necessary flood control works inside and outside the boundaries of the BLS D. *RCW 86.09.235.*

### **Section 3.6. Organization And Operation Generally**

- Section 3.6.1** **Generally.** BLS D is organized and shall operate under RCW 85.38 and RCW 86.09 of the State of Washington, as well as these Bylaws, and other statutes applicable to BLS D.
- Section 3.6.2** **Amendments.** These Bylaws may be amended at any Regular Meeting of BLS D Board of Directors where a quorum is present, by majority vote of the Directors present.
- Section 3.6.3** **BLS D Contact Information:**
- BLS D Telephone: (360) 867-8814.  
BLS D Address: 120 State Avenue NE #303, Olympia, WA 98501.  
BLS D Website: [www.blacklakespecialdistrict.org](http://www.blacklakespecialdistrict.org)

**Section 3.7. District Office**

The Directors may change the location of the BLSD District Office with the written consent of the Thurston County Commissioners. The Directors shall also pass a resolution at a Regular Meeting noting the change in the BLSD office, enter the resolution into the Minutes of the Board, and post a notice of the change of location in a conspicuous public place at or near the place of business which is to be changed (both the old location and the new location) at least ten (10) days prior to the date of the proposed change of office location. However, the office shall be located, if possible, within the BLSD. If there is not a location that is convenient and suitable for conducting District business within the BLSD, then the office may be located anywhere else in Thurston County. *RCW 86.09.271.*

**Section 3.8. Boundaries Of The District**

BLSD includes all parcels of land that have access to Black Lake located in Thurston County, Washington. This definition includes, but is not limited to, public and privately owned waterfront parcels and upland dwelling parcels that have access to Black Lake by way of a community waterfront parcel or easement.

**Section 3.9. Copyright**

These Bylaws are Copyright 2015 and shall have the associated protections to the extent the law allows.

**ARTICLE 4  
The Governing Body: The Board Of Directors**

**Section 4.1. Number And Qualifications.**

The Governing Body of the BLSD shall be a Board of Directors composed of three (3) Directors. *85.38.070(1), 86.09.020, 86.09.259.* The initial Governing Body was appointed by the Thurston County Commissioners in 2013. Future Directors will be chosen pursuant to the procedures outlined in **Article 5** of these Bylaws. *RCW 85.38, 86.09.259.*

**Section 4.2 Powers and Duties of the Board of Directors.**

The BLSD Board has the power, and it is the BLSD Board’s duty, to adopt a seal of the BLSD. The BLSD Board shall conduct the business affairs of the BLSD, shall employ and appoint agents, engineers, attorneys, officers and employees as may be necessary, and the BLSD Board shall prescribe their duties. The BLSD Board shall establish reasonable bylaws, rules and regulations for the government and the management of affairs of the District. The BLSD Board shall generally perform any and all acts necessary to carry out the purposes of the BLSD. *RCW 86.09.268.*

### **Section 4.3 Quorum and Board Action.**

A majority of the Directors shall constitute a quorum for the transaction of business, and in all matters requiring action by the Board, there shall be a concurrence of at least a majority of the Directors. *RCW 86.09.265.*

### **Section 4.4. Director's Term Of Office.**

With the exception of the initially appointed BLSD Directors, a BLSD Director's term of office shall be six (6) years and until his or her successor is elected and qualified. *RCW 85.38.070(1).*

The term of office shall be altered to provide a staggered six (6)-year term. One (1) Director shall be elected at the Special District General Elections in each even-numbered year for a term of six (6) years. *RCW 85.38.070(1)(2).*

### **Section 4.5. Initial Directors**

The initial Directors were appointed by the Thurston County Commissioners in 2013. The initial Directors serve until their successors are elected and qualified at the 2016 election. *BLSD Petition to the Thurston Board of County Commissioners.*

### **Section 4.6. Vacancies**

**Section 4.6.1. Vacancies.** A Director's position shall be declared vacant if:

- i) he or she passes away;
- ii) he or she resigns from his or her position as Director;
- iii) he or she becomes incapacitated and unable to perform his or her duties; or
- iv) he or she ceases to be a Qualified Voter of the Special District.  
*RCW 85.38.070(5).*

**Section 4.6.2. Deemed Resignation.** If a Director is absent without reasonable excuse from three (3) consecutive Regular Commission Meetings, the other two (2) Directors may vote to deem the absences a resignation.

### **Section 4.7. Bond**

Each Director, whether elected or appointed, shall provide a bond payable to BLSD. The bond shall be for the sum of One Thousand Dollars (\$1,000.00). *Thurston County Resolution No. 14967.* The bond shall be conditioned on the faithful performance of the Director's duties as a member of the BLSD Board. The bond shall be filed with the Thurston County Clerk. *RCW 85.38.080.*

All BLSO Officers or employees who handle BLSO funds must enter into a surety bond payable to the BLSO. The bond shall be for the sum of double the estimated amount of funds such officer or employee will handle on a monthly basis. The bond shall be conditioned that the Officer or employee will strictly account for all money or credit received by the Officer or employee for the use of BLSO. Every bond and its amount must be approved by the County Commissioners and filed with the Secretary of BLSO. *RCW 86.09.304.*

BLSO shall reimburse the Directors for bond premiums and all bond-related expenses. *BLSO Resolution No. 14-06, RCW 86.09.307.*

#### **Section 4.8. Indemnification**

BLSO shall pay for the defense of a current or past BLSO Director in an action or proceeding when the action or proceeding arises from acts or omissions of the Director while the Director was performing his or her official duties. *BLSO Resolution No. \_\_\_\_\_, RCW 4.96.041.*

If a situation arises where the defense of a Director is necessary, the Director must first request that BLSO authorize the defense of the action or proceeding at BLSO's expense. After a request of BLSO, BLSO must follow its procedure established by Resolution No. \_\_\_\_\_ to determine if the acts or omissions of the Director were within the scope of his or her official duties, or were in good faith purported to be. If BLSO finds that the acts or omissions of the Director were within the scope of his or her official duties, then BLSO shall grant the request and shall authorize the defense and payment of the defense of the Director.

If BLSO authorizes the defense and payment of the defense, any monetary judgment against the Director shall be paid by BLSO pursuant to BLSO Resolution No. \_\_\_\_\_.

#### **Section 4.9. Compensation**

Each member of the Board of Directors shall be compensated for each day, or major part thereof, devoted to the business of the District at the daily or other rate, and subject to the maximum annual or other limitation, presently provided in RCW 85.38.075 and subject to any future amendments thereto or other statutes governing the subject of compensation of Directors. The daily rate as of November 2015 is up to Ninety and 00/100 Dollars (\$90.00) per day or portion thereof. The dollar thresholds established in RCW 85.38.075 and RCW 86.09.283 shall be adjusted for inflation by the Office of Financial Management every five (5) years, beginning July 1, 2008. The Office of Financial Management must calculate the new dollar threshold and transmit it to the Office of the Code Reviser for publication in the Washington State Register at least one (1) month before the new dollar threshold is to take effect. *RCW 85.38.075.* BLSO Directors shall, every five (5) years, review the updated dollar threshold to determine the maximum compensation amount allowed and adjust the maximum compensation amount allowed by resolution accordingly. 2018 will be the first year BLSO Directors must review the dollar threshold, and then every five (5) years thereafter.

The intention of the foregoing is to establish compensation at the maximum amount presently or in the future allowed by the state of Washington and that if, in the future, the present statutory limit

established by RCW 85.38.075 is increased, then all Directors then in office shall be entitled to, and are hereby granted, compensation at any such increased rate.

BLSD Directors shall fix the compensation to be paid to the Directors, Secretary, and all other agents and employees of BLSD. *RCW 85.38.075.*

**Section 4.9.1. Compensation Limitations.** The term "...spent in actual attendance at official meetings of the district commission, or in performance of other official services or duties on behalf of the district" as used in RCW 85.38.075 is interpreted, for purposes of compensating Directors of BLSD, to include attendance at District meetings, both Regular and Special, and, on approval in advance by the Board, the following:

- i) meetings, conventions, seminars, programs and similar activities;
- ii) other conferences or meetings with representatives of other governmental bodies in respect to District business;
- iii) attendance at state, county or other public hearings;
- iv) attendance in court as a witness, or as an observer on a District case;
- v) attendance at meetings of water and similar associations either on District business or as a Director or officer of such association;
- vi) attendance, when necessary, at meetings with District contractors, suppliers or purveyors; and
- vii) other matters where the Board of Directors determines that the matter is District business.

**Section 4.9.2. Maximum Compensation Per Year.** The compensation for the members shall not exceed Eight Thousand Six Hundred Forty Dollars (\$8,640.00) in one (1) calendar year. *RCW 85.38.075, RCW 86.09.283.*

**Section 4.9.3. Reimbursement.** A Director is entitled to reimbursement for reasonable expenses actually incurred in connection with such business, including subsistence and lodging, while away from the Director's place of residence and mileage for the use of a privately- owned vehicle in accordance with RCW 42.24. *RCW 85.38.075, RCW 86.09.283.*

**Section 4.9.4. Waiver.** Any Director may waive all or a portion of his or her compensation payable as to any month or months during his or her term

of office. The Director must waive his or her compensation by a written waiver filed with the Secretary of BLS D. The waiver, to be effective, must be filed any time after the Director's election and prior to the date on which the compensation would otherwise be paid. The waiver must specify the month or months for which it is made. *RCW 85.38.075, RCW 86.09.283.*

**Section 4.9.5. Monthly Compensation.** The BLS D Board will approve, by majority vote, any reimbursement and/or compensation check(s) each month at the BLS D Regular Meeting. Reimbursement and/or compensation requests must be submitted to the BLS D Board one (1) week prior to the Regular Meeting. After approval by the BLS D Board, the request for payment will be submitted to the Thurston County Treasurer and payment will be remitted directly to payee.

**Section 4.9.6. W-2 to be Provided by BLS D.** BLS D will provide a W-2 to any person receiving compensation from BLS D. The W-2 will note any compensation or per diem received by that person.

**Section 4.9.7. Director Holding Office For Two (2) or More Special Purpose Districts.** Any person holding office as Director for two (2) or more special purpose districts shall receive only the per diem compensation authorized for one (1) of his or her Director positions as compensation for attending an official meeting or conducting official services or duties while representing more than one (1) of his or her districts. However, such Director may receive additional per diem compensation if approved by a resolution of all of the Boards of the affected special purpose districts. *RCW 85.38.075, RCW 86.09.283.*

#### **Section 4.10. Directors' Mail – Via U. S. Postal Service Or Electronic**

Mail addressed to one (1) or more Directors and delivered to the BLS D address shall be delivered by the support staff to the Director(s) at the monthly work session or the monthly meeting, whichever occurs sooner.

Electronic mail to a Director shall be addressed to the Director's BLS D email address. Directors shall check their email accounts no less than once a week and shall respond to emails promptly.

#### **Section 4.11. Directors' Telephone Numbers**

The home telephone numbers of Directors will not be given to the public by the District. Public requests to speak directly to a Director will be relayed to the support staff. The support staff will relay the request to the Director at the earliest possible time, and the Director will then respond as appropriate.

#### **Section 4.12. Directors Subject to Certain RCWs**

BLSD Directors are subject to a variety of RCWs applicable to public officers. These include, but are not limited to: RCW 42.22: Code of Ethics for Public Officers and Employees; RCW 42.20: Misconduct of Public Officer; RCW 42.21: Code of Ethics for Public Officials; and RCW 42.17: Public Disclosure Act.

#### **Section 4.13. Directors Not to Testify in Official Capacity**

BLSD Directors shall not testify in their official capacity unless officially summoned by subpoena or officially authorized by a majority of the Board of Directors during a Regular Meeting.

#### **Section 4.14. Director Absent From BLSD For More Than Fifteen (15) Consecutive Days**

If a Director is to be absent from BLSD for more than fifteen (15) consecutive days, the Director shall notify the other Directors prior to leaving the District for that period of time. If the Director is unexpectedly absent from BLSD for more than fifteen (15) consecutive days, the Director shall, at his or her earliest convenience, notify the other Directors of when he or she expects to return to BLSD.

#### **Section 4.15. Use of BLSD Personnel, Property Or Funds**

The use of BLSD personnel, property or funds for private benefit is prohibited. *RCW 42.20.010.*

#### **Section 4.16. Attorney-Client Privilege**

BLSD may maintain a working relationship with a law firm to provide advice and guidance on policies and issues that arise. This attorney-client relationship is between BLSD and its attorney; however, BLSD is represented in this relationship by its Directors. Accordingly, attorney-client privilege attaches when any one (1) or more Directors work with the attorney; however, when any one (1) or more Directors choose to include anyone other than themselves and the attorney in any discussion, the attorney-client privilege will not attach to such discussion. Furthermore, the Directors shall be advised that the attorney represents BLSD, not the individual Directors, and that the attorney will therefore be working in the best interests of BLSD and will take instruction from the Board.

### **ARTICLE 5 Elections And Voting Requirements**

#### **Section 5.1. Generally**

Elections of the Directors of BLSD shall be held as provided in RCW 85.38. *RCW 86.09.020, RCW 85.38, RCW 86.09.259.*



## **Section 5.2. Eligibility to be an Elected or Appointed Director of BLS D**

All candidates to be an elected or appointed Director of BLS D must be a Qualified Voter of the Special District. The state of Washington, its agencies and political subdivisions, or their designees (see definition of “Qualified Voter of a Special District” in Article 1) shall not be eligible for election or appointment. *RCW 85.38.070(6), RCW 86.09.259.*

## **Section 5.3. First Elections of BLS D to Occur In 2016**

At the first election of BLS D Directors, no primary elections shall be held. Any Qualified Voter of the Special District may become a candidate for a Director position by filing a written notice of his or her intention with the Thurston County Auditor at least thirty (30) but not more than sixty (60) days before the BLS D General Election, which is to be held on the first (1<sup>st</sup>) Tuesday after the first (1<sup>st</sup>) Monday in February. *RCW 85.38.070(3); RCW 85.38.070(5), RCW 86.09.259.*

The Thurston County Auditor, in consultation with BLS D, shall establish the filing period. The names of the candidates for the Director positions shall be listed alphabetically. *RCW 85.38.070(3).*

At the first election of BLS D, the candidate receiving the greatest number of votes of the Qualified Voters shall have a six (6)-year term. The candidate receiving the second greatest number of votes shall have a four (4)- year term. The candidate receiving the third greatest number of votes shall have a two (2)-year term of office. *RCW 85.38.070(3).*

## **Section 5.4. Subsequent Elections**

In all subsequent elections, the candidate receiving the greatest number of votes for each position shall be elected for a six (6)-year term of office. BLS D Directors shall hold their office until their successors are elected and qualified and assume office after the election returns have been certified. *RCW 85.38.070(3).*

**Section 5.4.1. Filing Period And Filing Declarations Of Candidacy.** No primary elections shall be held for the Governing Body of BLS D. Any Qualified Voter of the Special District may become a candidate for the BLS D Board of Directors by filing a written notice of his or her intention with the Thurston County Auditor at least thirty (30) but not more than sixty (60) days before the BLS D election. The Thurston County Auditor, in consultation with BLS D, shall establish the filing period. The names of the candidates shall be listed alphabetically. *RCW 85.38.070(3)(4).*

**Section 5.4.2. General Elections Timeframe.** General Elections shall be held in BLS D on the first (1<sup>st</sup>) Tuesday after the first (1<sup>st</sup>) Monday in February in each even-numbered year. The Thurston County Auditor may provide for special elections whenever necessary. *RCW 85.38.100.*

**Section 5.5. Oath**

Every BLSD Director, upon taking office, must take and subscribe an official oath for the faithful discharge of the duties of his or her office. *RCW 86.09.301.*

**Section 5.6. Delivery of Property to Successor**

Upon the termination of office, every BLSD Director shall immediately turn over and deliver, under oath, to his or her successor BLSD Director, all records, books, papers and other property under the BLSD Director’s control and belonging to BLSD. If a BLSD Director passes away, his or her Personal Representative must turn over such records to the successor BLSD Director. *RCW 86.09.310.*

**Section 5.7. Procedure Upon Vacancy**

If a vacancy of BLSD Board of Directors occurs, the Thurston County Commissioners shall appoint a Qualified Voter in the Special District to serve as a BLSD Director until a person is elected to serve as a BLSD Director at the next BLSD General Election occurring sixty (60) or more days after the vacancy occurs to serve the remainder of the unexpired term. The person so elected shall take office immediately when qualified. *RCW 85.38.070(5).*

In the situation where an election for the position which became vacant would have otherwise been held at a BLSD election, only one (1) election shall be held, and the person elected to fill the succeeding term for that position shall serve both the remainder of the unexpired term and the succeeding term. *RCW 85.38.070(5).*

**Section 5.8. Voting Rights of The Qualified Voter(s) of The Special District.**

The owner of land located in BLSD who is a Qualified Voter of the Special District shall receive two (2) votes at any election. *RCW 85.38.105(1).*

**Section 5.8.1. Undivided Interests.** If multiple, undivided interests (other than community property interests) exist in a lot or parcel, and no person owns a majority undivided interest, the owners of the undivided interest equal to at least a majority interest may designate in writing:

**Section 5.8.1.1.** Which owner is eligible to vote and may cast two (2) votes; or

**Section 5.8.1.2.** Which two (2) owners are eligible to vote and may cast one (1) vote each. *RCW 85.38.105(2).*

**Section 5.8.2. Community Property.** If land is owned as community property, each spouse is entitled to one (1) vote if both spouses otherwise qualify to vote, unless one (1) spouse designates in writing that the other spouse may cast both votes. *RCW 85.38.105(3).*

**Section 5.8.3. Corporation, Partnership, Governmental Entity.** If land is owned by a corporation, partnership or governmental entity, such corporation, partnership or governmental entity shall designate:

**Section 5.8.3.1.** A natural person to cast its two (2) votes; or

**Section 5.8.3.2.** Two (2) natural persons to each cast one (1) vote. *RCW 85.38.105(4)(a-b).*

**Section 5.8.4. Two (2) Votes Maximum Cast Per Natural Person.** Unless provided in RCW 85.08.025 and 86.09.377, no owner of land may cast more than two (2) votes or have more than two (2) votes cast for him or her in a BLSD election. *RCW 85.38.105(5).*

RCW 86.09.377 provides that if a qualified voter of BLSD owns more than ten (10) acres of land within BLSD, such voter is entitled to two (2) additional votes for each ten (10) acres or major fraction thereof within BLSD, up to a maximum total of forty (40) votes for any voter or twenty (20) votes per member of a marital community. *RCW 86.09.377.*

## **Section 5.9. Eligible Voters List**

A list of presumed eligible voters shall be prepared and maintained by BLSD.

The list shall include the following:

- i) the Thurston County Tax Assessor's tax number for each lot or parcel in BLSD;
- ii) the name or names of the owners of such lots and parcels and their mailing address;
- iii) the extent of the ownership interest of each person; and
- iv) if such owners/persons are natural persons, whether they are known to be registered voters in the State of Washington.

Whenever this list is prepared, BLSD shall attempt to notify each owner of the requirements necessary to establish voting authority.

Whenever a lot or parcel in BLSD is sold, BLSD must attempt to notify the purchasers of the requirements necessary to establish voting authority.

BLSD must provide a copy of this list, and any revisions, to the Thurston County Auditor by the first (1<sup>st</sup>) day of November preceding a BLSD General Election.

If BLS D fails to compile and provide the Thurston County Auditor with the list of qualified voters by the first (1<sup>st</sup>) day of November preceding a BLS D General Election, the Thurston County Auditor shall compile the list and charge BLS D for the costs required for its preparation.

### **Section 5.10. When Elections Are Not Required**

No election shall be held to elect a Director of BLS D if no one or only one (1) person files for the position. *RCW 85.38.115.*

**Section 5.10.1.** If only one (1) person files for the Director position, he or she shall be considered to have been elected to the position at the election that otherwise would have taken place for the Director position.

**Section 5.10.2.** If no one files for the position and the upcoming election is one at which someone would have been elected to fill the expired term, then the Director position shall be treated as vacant at the expiration of the term, and the person appointed to fill the vacancy shall be considered to have been elected to the position at the election and shall serve for the remainder of the unexpired term. *RCW 85.38.115.*

### **Section 5.11. Thurston County Auditor to Assist With Elections**

The Thurston County Auditor shall assist BLS D with its elections. *RCW 85.38.120.*

The Thurston County Auditor shall publish notice of an election not conducted by mail in a newspaper of general circulation in the Special District, at least once, not more than ten (10) nor less than three (3) days before the election. *RCW 85.38.120(2).*

So long as BLS D has at least five hundred (500) qualified voters, the Thurston County Auditor shall publish notice of the filing period and place for filing a declaration of candidacy to become a Director of BLS D in a newspaper of general circulation. This notice shall be published at least seven (7) days prior to the closing of the filing period. If BLS D has less than five hundred (500) qualified voters, then BLS D must mail or deliver this notice to each qualified voter of BLS D at least seven (7) days prior to the closing of the filing period. *RCW 85.38.120(3).*

BLS D shall reimburse the Thurston County Auditor for any costs incurred related to such elections.

### **Section 5.12. When Auditor Must Conduct BLS D Elections**

If BLS D has less than five hundred (500) qualified voters, then BLS D must contract with the Thurston County Auditor to conduct BLS D elections. *RCW 85.38.125(1).*

### **Section 5.13. When BLS D May Conduct Its Own Elections**

If BLS D has at least five hundred (500) qualified voters, BLS D may contract with the Thurston County Auditor to conduct the election or may choose to conduct its own elections. If BLS D determines that it will conduct its own elections, BLS D must enter into an agreement with the Thurston County Auditor to specify the responsibilities of BLS D and the Thurston County Auditor in conducting the elections. *RCW 85.38.125(2)*. If BLS D chooses to conduct its own elections, it must do so pursuant to *RCW 85.38*.

## **ARTICLE 6 Officers**

### **Section 6.1. Officers**

The Board of Directors shall have three (3) Officers: a Chairman, a Vice-Chairman and a Secretary. *RCW 86.09.259*. The Secretary may be a Director or the Directors may appoint a voter of the BLS D to hold the office of Secretary, at the Board's pleasure.

### **Section 6.2. Election Of Officers**

Officers shall be elected at the Regular Meeting held in March in the year that election of a Director(s) occurs. A majority vote of the Directors shall elect a Director as an Officer. An Officer may succeed himself or herself.

### **Section 6.3. Term Of Office**

The term of each office shall be two (2) years, or until the next election of Officers is held at the Regular Meeting in March in the year of an election of a Director(s).

### **Section 6.4. Vacancies**

Vacancies in an office shall be filled by vote at the next Regular Meeting of the Board of Directors after the vacancy occurs.

### **Section 6.5. Duties And Responsibilities of The Chairman**

The duties and responsibilities of the Chairman of the Board of Directors shall include the following:

- i) preside at all meetings of the Board of Directors;
- ii) be the official representative of the District to organizations and other governmental bodies such as Thurston County and the state of Washington; provided, however, that the Board of Directors may, in its discretion, appoint another Director to represent the District to specific organizations or governmental bodies;

- iii) Be the spokesperson for the District to the media and in other major or important matters; and
- iv) Execute, with the Secretary of the Board of Directors, all deeds, contracts and other documents or instruments which require more than the signature of the Secretary of the Board of Directors alone.

**Section 6.6. Duties And Responsibilities of The Vice-Chairman.**

The duties and responsibilities of the Vice-Chairman of the Board of Directors shall include the following:

- i) perform the above duties of the Chairman in the absence of the Chairman;
- ii) supervise the preparation and adoption of the annual Budget of the District;
- iii) be the official representative of the District to the Treasurer of Thurston County and oversee the Treasurer's keeping of the District's funds;
- iv) review and present to the Board of Directors for approval all financial statements, audits, special funds accounts, and other reports concerning the finances of the District; and
- v) supervise the books and records of account of the District and the preparation thereof.

**Section 6.7. Duties And Responsibilities of The Secretary**

The duties and responsibilities of the Secretary of the Board of Directors shall include the following:

- i) supervise the preparation of, and signature to, the Minutes of the meetings of the Board of Directors, resolutions of the Board of Directors, and all other records of the Board of Directors proceedings, official documents and instruments. *RCW 86.09.259*;
- ii) execute on behalf of the District all official District documents, including deeds and contracts;
- iii) sign all official letters and correspondence from the Board of Directors; and
- iv) perform such clerical matters as are routine to the Board of Directors, or as are delegated to the Secretary by the Board of Directors.

The Secretary shall assume duties appropriate to the office as needed and shall ensure that true and accurate records of all proceedings of the Board of Directors' meetings are kept. *RCW 86.09.259.*

### **Section 6.8. Removal From Office**

An Officer will be removed from his or her position upon a majority vote of the Directors. Upon removal, a vote must be taken to fill any open Officer position in the same Meeting.

## **ARTICLE 7 Meetings**

### **Section 7.1. Types of Meetings**

Pursuant to the Washington State Open Public Meeting Act (RCW 42.30), there are two (2) kinds of meetings – Regular Meetings and Special Meetings. All meetings will be advertised as such.

### **Section 7.2. Regular Meetings**

The BLSD Board of Directors shall hold two (2) types of Regular Meetings – Regular Meetings and Work Sessions, both discussed in detail below.

The BLSD Board of Directors shall meet for its Regular Meeting on the third (3<sup>rd</sup>) Thursday of each month at 6:30 p.m. at the Black Lake Bible Camp located at 6521 Fairview Road SW, Olympia, Washington. Regular Meetings shall take place monthly unless noted on BLSD website.

The BLSD Board of Directors shall meet at a Work Session the first (1<sup>st</sup>) Thursday of each month at 5:30 p.m. at 1520-A Irving Street SW, Tumwater, Washington. Regular Work Sessions shall take place on a monthly basis unless noted on BLSD website.

The dates for the Regular Meeting and Work Session were approved by the Board by Resolution No. 14-01. Changes in the future to the date, time, or location of Regular Meetings or Work Sessions will be noted on BLSD website, and all Open Public Meetings Act (OPMA) procedures will be followed (see below). However, the Directors must hold a Regular Meeting at their office at least one (1) time per year, or more frequently as noted in these Bylaws. *RCW 86.09.274.*

### **Section 7.3. Special Meetings**

Special Meetings of the Board of Directors may be called by the Chairman, or upon written request of the majority of the Directors, for the transaction of business as stated in the meeting request. Notice stating the time and place of any Special Meeting and the purpose for which it is called shall be given to each Director at least three (3) days in advance of the meeting (“Notice”). *RCW 86.09.277.*

**Section 7.3.1. Notice For Special Meetings.** Notice of a Special Meeting must be mailed, emailed, faxed, or delivered to each of the Directors and to each local newspaper of general circulation, radio station, and/or television

station which has on file a written request to be notified of Special Meetings. Notice shall also be posted on the BLSD website.

The Notice must be delivered at least three (3) days before the Special Meeting and must specify the time and place of the meeting and the business to be transacted. A copy of the Notice and the Agenda will also be posted conspicuously outside the BLSD principal location, as well as the meeting site if the meeting is not to be held at the BLSD principal location. The Board shall not take action on any matter not included in the Notice of a Special Meeting. *RCW 86.09.277.*

**Section 7.3.2. Waiver Of Written Notice.** If a Director either attends the meeting from the time it convenes or gives a written waiver in advance of the meeting, notice to that Director may be dispensed with. Also, in an emergency involving, or with the likelihood of, injury or damage to persons or property, the notice may be dispensed with if the time requirements make it impractical and would increase the likelihood of such injury or damage. In such case, telephone or other notice to each of the Directors and to any media outlet that has filed a request will suffice.

#### **Section 7.4. Public Records Available for Inspection on Day of Meeting**

The Bylaws and Rules and Regulations of the BLSD must be printed in a convenient form for distribution and available for inspection by any Qualified Voter of BLSD during business hours on all days which a meeting of the Board is held. *RCW 86.09.280.*

#### **Section 7.5. Meetings Postponed**

Meetings postponed because of adverse weather conditions or lack of a quorum on the day set for the meeting may be continued by the Chairman to a certain day. If a quorum cannot be present on that certain day, the Chairman may continue the meeting to another certain day until a quorum can be present.

#### **Section 7.6. Minutes**

Minutes shall include a record of motions, including members who made and seconded motions, and a summary of recommended course of actions or activities.

The Secretary shall cause to be prepared and distributed Minutes in a format in accordance with *Robert's Rules of Order*. The Minutes shall reflect each major topic discussed but need not set forth at length the discussion by individual Board members on the topics.

After the Minutes are drafted, copies of the draft shall be sent to all BLSD Directors. A copy will be available on the BLSD website for review by members of BLSD and the public; and a copy will be available at the next meeting where approval of the Minutes will be considered.



Corrections to the draft Minutes must be submitted to the Secretary by noon on the Monday before the Board of Directors meeting. Additional corrections may be made at the Board of Directors meeting.

### **Section 7.7. Adjournments**

Any Regular or Special Meeting may be adjourned to a definite time and place specified in the motion for adjournment. *RCW 86.09.274*. If a quorum of the Directors is not present, any Director who is present can adjourn a meeting (or an adjourned meeting) to the new time.

### **Section 7.8. Adjournment - Notice To Directors**

Written notice of the adjournment must be given to the Directors and the media in the same manner as notices of Special Meetings. However, when a Director is present at the time a vote to adjourn is taken, it is not necessary for that Director to be given written notice. Also, by signing the Minutes containing the motion to adjourn, the Director waives notice.

### **Section 7.9. Adjournment - Notice On Door**

In addition to the above notice to the Directors and the media, a copy of the notice of adjournment shall be conspicuously posted on or near the door of the place where the meeting was held.

### **Section 7.10. Executive Sessions**

The Board of Directors may go into an executive session during any meeting, but the Chairman of the Board must announce the purpose of the executive session and the amount of time the Board of Directors expect the meeting to take, as set forth in *RCW 42.30.110* (see Appendix A). If the session lasts longer than the stated time, the Chairman of the Board of Directors must announce the additional time required to any member of the public in attendance.

Executive sessions can only be held in the following instances:

- i) to consider the selection of a site or the acquisition of real estate by lease or purchase when public knowledge regarding such consideration would cause a likelihood of increased price;
- ii) to consider the minimum price at which real estate will be offered for sale or lease when public knowledge regarding such consideration would cause a likelihood of decreased prices. However, final action selling or leasing public property shall be taken in a meeting open to the public;
- iii) to review negotiations on the performance of publicly bid contracts when public knowledge regarding such consideration would cause a likelihood of increased costs;

- iv) to receive and evaluate complaints or charges brought against a public officer or employee of BLSA. However, upon the request of such officer or employee, a public hearing or a meeting open to the public shall be conducted upon such complaint or charge;
- v) to evaluate the qualifications of an applicant for public employment or to review the performance of a public employee. However, subject to RCW 42.30.140(4), discussion by the Board of Directors of salaries, wages and other conditions of employment to be generally applied within the District shall occur in a meeting open to the public; but, when the Board of Directors elects to take final action on hiring, setting the salary of an individual employee or class of employees, or discharging or disciplining an employee, that action shall be taken in a meeting open to the public;
- vi) to evaluate the qualifications of a candidate for appointment to elective office. However, any interview of such candidate and final action appointing a candidate to elective office shall be in a meeting open to the public;
- vii) to discuss with legal counsel representing the District matters relating to District enforcement actions, or to discuss with legal counsel representing the District litigation or potential litigation to which the District, the Board of Directors, or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the District; and
- viii) to discuss any other matters which are authorized by RCW 42.30.110 (see Appendix A) or any other applicable statute.

Before convening an executive session, the presiding Officer of the District shall publicly announce the purpose for the executive session and the time when the executive session will be concluded. The executive session may be extended to a stated later time by announcement of the presiding Officer.

### **Section 7.11. Agenda And Public Comment - Board Meetings**

There shall be a written Agenda for each meeting of the Board of Directors (“Agenda”). The Agenda will include a section titled “Unscheduled Public Comment.” Any member of the public having a question, comment or complaint shall be heard at that time, unless the subject is on the Agenda, in which case any public input shall be taken during or after the Agenda item. District members are encouraged, but not required, to advise the District forty-eight (48) hours in advance if they wish to have a matter placed on the Agenda, so the District can investigate and have the District’s records available to assist the Board of Directors in the review of the matter.

BLSA Directors who wish to submit an Agenda item must provide the Agenda item to the Chairman one (1) week prior to the meeting.

Standard Agenda Items include the following:

- i) Introductions;
- ii) Approval of Agenda;
- iii) Correspondence;
- iv) Unscheduled Public Comment;
- v) Director Comments;
- vi) Financial Report;
- vii) Consent Agenda
  - a. Approval of Meeting Minutes
  - b. Voucher Approval;
- viii) Unfinished Business;
- ix) New Business;
- x) Committee Reports and Reports to the Board;
- xi) Discussion Items on Agenda;
- xii) Call for Future Agenda Items;
- xiii) Final Board Comments;
- xiv) Executive Session (if needed); and
- xv) Adjournment.

The Chairman is responsible for setting the time allowed for public comments. Time limitations may be based on the number of people who wish to speak or other items on the Agenda. The Chairman should inform the public about time limitations and other guidelines.

The BLSD Directors may ask clarifying questions during the Public Comment time.

Any BLSD Director comments should occur during the Director Comments time.

### **Section 7.12. Quorum and Action by the Board**

A quorum for transaction of matters and business requiring action by the Board shall consist of a majority of the Directors. And in any matter requiring action by the Board, there shall be a concurrence of at least a majority of the Directors. 86.09.265. If a quorum of the Board cannot be reached due to the absence of a Board Member, it is the duty of the Chair of the Thurston County Commissioners to act on behalf of the absent Board Member. When the Chair of the Thurston County Commissioners acts on behalf of an absent BLSD Board Member, the acts of the BLSD shall be valid so far as a quorum is concerned and have the same effect as though said BLSD Director were present and acting. RCW 86.09.292.

### **Section 7.13. Open Public Meetings**

The Board will follow the rules set forth in RCW 42.30 concerning the Open Public Meetings Act (see Appendix A).

### **Section 7.14. Parliamentary Authority**

The latest revised edition of *Robert's Rules of Order* shall govern the parliamentary procedures of the meetings.

### **Section 7.15. Conflicts of Parliamentary Authority**

If there is any conflict between *Robert's Rules of Order* and any resolution or rule adopted by the Board of Directors, the resolution or rule will govern.

## **ARTICLE 8 Ad Hoc Committees**

Ad Hoc Committees for the study of special problems shall be appointed by the Chairman, with the approval of the Board of Directors, to serve until the final report of the work for which they were appointed has been filed.

## **ARTICLE 9 Public Records**

### **Section 9.1. Records Available**

The District will make its records available for public inspection and copying in accordance with Chapter 42.56 RCW, the Public Records Act.

### **Section 9.2. Indexing**

The District will maintain an index of numbered resolutions adopted by the Board of Directors.

To the extent that the District records do not lend themselves to separate files, they shall be maintained in alphabetically indexed files. However, because of limited personnel and voluminous records, it would burden and interfere with the operation of the District to index staff and consultants' reports, correspondence, and other routine District records. The District shall, in such cases, maintain alphabetically indexed files, to the extent practical, on each different lake project, construction project, bond issue or other significant matter.

### **Section 9.3. Request For Public Records/Inspection**

Public records shall be available for inspection and copying, and the District shall, upon request for identifiable public records, make them promptly available to any person including, if applicable, on a partial or installment basis as records that are part of a larger set of requested records are assembled or made ready for inspection or disclosure. Within five (5) business days of receiving a public records request, the District shall respond by either (a) providing the record; (b) acknowledging that the District has received the request and providing a reasonable estimate of the time the District will require to respond to the request; or (c) denying the public records request. Additional time required to respond to a request may be based upon the need to clarify the intent of the request, to locate and assemble the information requested, to notify third persons or agencies affected by the request, or to determine whether any of the information requested is exempt and that a denial should be made as to all or part of the request. In acknowledging receipt of a public records request that is unclear, the District may ask the requestor to clarify what information the requestor is seeking. If the requestor fails to clarify the request, the District need not respond to it. Denials of requests must be accompanied by a written statement of the specific reasons therefor.

### **Section 9.4. Photocopying**

At the time of inspection of District records, the person inspecting the same may designate those records of which he or she wishes copies made. To the extent possible, the District will make the copies at the time of inspection. If, however, the number of copies requested are more than ten (10) pages, the District shall advise the person of a reasonable time when the copies will be available.

### **Section 9.5. Photocopying - Charges**

There is an established charge per page for photocopies of public records and documents to be picked up at the District's administrative office (see Rate Table \_\_\_\_\_ adopted by the Board on \_\_\_\_\_). In appropriate circumstances, an additional charge shall be made for the actual postage or delivery charge and the cost of any container or envelope used to mail the public records to the requestor.

### **Section 9.6. Protection Of Records**

No person shall be allowed to remove any record from the District office for inspection. Inspection must be done in the presence or near the presence of an administrative staff member. The inspector

must restore all District records to the same order and sequence in which they were prior to inspection. If, in the opinion of the District, the inspector is damaging or mutilating any record, further inspection may be denied. Excessive interference with essential functions of the District office shall not be allowed. The District retains the discretion to either allow the inspector to go through the District file personally or to have a District administrative staff member find and present to the inspector the requested record.

### **Section 9.7. Exemptions From Disclosure**

Documents exempt from public inspection under Chapter 42.56 RCW, or other statutes which exempt or prohibit disclosure, may not be inspected or copied by the public.

### **Section 9.8. Denial Of Requests**

Denial of a request to inspect or copy a document must be accompanied by a written statement by the District of the specific reason therefor.

### **Section 9.9. Court Protection**

Notwithstanding the foregoing, the District may, with the prior approval of the Board of Directors, apply to the Superior Court to enjoin the inspection of public records if it appears to the District that examination would clearly not be in the public interest and would substantially and irreparably damage any person or vital District function.

### **Section 9.10. Retention And Destruction – Schedule**

BLSD Board of Directors have established a Retention and Destruction Policy and Schedule as outlined in BLSD Resolution No. \_\_\_\_\_.

## **Article 10 Budgets And Financing**

### **Section 10.1. Overview of BLSD Financing**

The methods of measuring and imposing rates and charges and special assessments and adopting a BLSD budget shall be governed by RCW 85.38.140-85.38.170. These methods are outlined in this Article 10. It is important to be aware that RCW 85.38.140 notes that the provisions in these RCWs shall be the exclusive method by which BLSD measures and imposes special assessments and adopts its budget. *RCW 85.38.140.*

### **Section 10.2. Budget**

BLSD shall adopt a budget and impose any special assessments annually for the succeeding calendar year. *RCW 85.38.170.*

On or before December 1<sup>st</sup> of each year, BLS D Directors shall adopt a resolution approving a budget for the succeeding year and special assessments sufficient to finance the budget. A copy of the resolution and budget must be immediately forwarded to the Thurston County Commissioners and to the Thurston County Treasurer. *RCW 85.38.170.*

BLS D shall post BLS D's annual budget for the following calendar year on its website no later than December 31<sup>st</sup>.

### **Section 10.3. Thurston County Treasurer as *Ex Officio* BLS D Treasurer**

The Thurston County Treasurer is the *ex officio* treasurer of the BLS D. The Thurston County Treasurer shall collect all BLS D assessments and keep all BLS D funds. *RCW 86.09.313.* Under *RCW 86.09.319*, the Thurston County Treasurer is liable upon his or her official bond and to criminal prosecution for: malfeasance, misfeasance and nonfeasance in office relating to his or her duties.

### **Section 10.4. District Funds**

The BLS D has the following funds: (1) Expense Fund; (2) Surplus Fund; (3) Suspense Fund; (4) General Bond Fund; (5) Utility Bond Fund; (6) Contract Fund. All such funds shall be administered pursuant to *RCW 86.09.535-86.09.553.*

### **Section 10.5. Requesting a Check From The Thurston County Treasurer**

After approval of all bills and requests for payment by the BLS D Directors at a Regular Meeting, the Secretary shall cause to be remitted to the Thurston County Treasurer a request for payment. The Thurston County Treasurer shall then remit payment directly to the payee, and deduct the amount of payment from the BLS D Account that the Thurston County Treasurer maintains.

### **Section 10.6. Monthly Reports from the Thurston County Treasurer**

The Thurston County Treasurer reports to the BLS D once per month, in writing. Such report documents the amount in each BLS D fund, the amount of receipts for the preceding month, and the amounts paid out of each fund. *RCW 86.09.328.*

### **Section 10.7. Rates And Charges**

BLS D Directors may fix rates and charges payable by owners or occupiers of real estate within BLS D. When fixing the rates and charges, BLS D may consider the degree to which activities on a parcel of real property contribute to the problems that BLS D is authorized to address. *RCW 85.38.145.*

BLS D set its initial rates and charges in The Black Lake Special District Petition, and noted the same in Resolution No. 14-03. Future changes to BLS D Rates and Charges shall be established by a resolution of BLS D Directors.

BLSD limits the rates and charges increases to no more than five percent (5%) or the rate of inflation, whichever is less. Rates and charges may also be decreased by resolution of BLSD. *BLSD Petition to the Thurston Board of County Commissioners.*

## **Section 10.8. Special Assessments**

Any special assessments necessary for the budget shall be imposed pursuant to the system of assessment established by Thurston County. *RCW 85.38.170.*

RCW 85.38 provides the exclusive method by which the BLSD may measure and impose special assessments. *RCW 86.09.380.*

Special assessments shall be collected by the Thurston County Treasurer. *RCW 85.38.170.*

Notice of the special assessments due may be included on the notice of property taxes due, may be included on a separate notice that is mailed with the notice of property taxes due, or may be sent separately from the notice of property taxes due. *RCW 85.38.170.*

Special assessments are due at the same time property taxes are due and shall constitute liens on the land or improvements upon which they are imposed. *RCW 85.38.170.*

**Section 10.8.1. Special Assessments Imposed.** Special Assessments shall be imposed only on real property within BLSD that uses or will use facilities of BLSD or that receive or will receive special benefits from BLSD. This requirement is applicable to privately owned and publicly owned real property. *RCW 85.38.150(1).*

**Section 10.8.2. Mobile Homes.** Mobile homes located on real property within BLSD shall be considered an improvement to the real property for purposes of imposing a special assessment. *RCW 85.38.150(1).*

### **Section 10.8.3. Special Assessments Dollar Value of Benefit.**

**Section 10.8.3.1. Imposed Upon Real Property.** All special assessments imposed upon real property (other than improvements), shall be a function of the dollar value of benefit or use per acre and the assessment zone in which the real property is located. *RCW 85.38.150(2).*

**Section 10.8.3.2. Imposed Upon an Improvement.** Special assessments imposed upon an improvement shall be a function of the dollar value of the benefit or use assigned to the type or class of improvements and the assessment zone in which the improvement is located. *RCW 85.38.150(2).*

**Section 10.8.4. Assessment Zones.** BLSD Directors shall establish Assessment Zones to reflect a different relative ratio of benefit or use that the real property



within such a zone receives, or will receive, from BLSD's operations and facilities. *RCW 85.38.150(3)*.

**Section 10.8.5. Greatest Benefit.** The real property receiving the greatest benefits, or which uses BLSD facilities to the greatest extent, shall be placed in class No. 1, and assigned a value of 100%. *RCW 85.38.150(3)*.

**Section 10.8.6. Next Greatest Benefit.** The real property receiving the next greatest benefits (after class No. 1) shall be placed into class No. 2 and assigned a lower percentage value (than 100%). *RCW 85.38.150(3)*.

**Section 10.8.7. Continued On.** BLSD Directors shall continue to place the property in the relative classes based on how much value each piece of real property will receive from BLSD, extending to the class of Least Benefits or Use. *RCW 85.38.150(3)*.

**Section 10.8.8. Nonbenefit.** The real property receiving no benefits or use shall be designated "nonbenefit." *RCW 85.38.150(3)*.

**Section 10.8.9. Single Assessment Zone.** If BLSD Directors find that all real properties in BLSD receive the same relative ratio of benefit or use, then a single assessment zone may be established. *RCW 85.38.150(3)*

## **Section 10.9. Criteria For Measuring Degrees or Ratios of Benefit or Use**

BLSD Directors may use any one (1) or more of the following criteria in determining the manifest degrees or ratios of benefit or use *RCW 85.38.150(4)*:

- i) Proximity to BLSD facilities;
- ii) Height above or below dikes or levees;
- ii) Easier accessibility;
- iv) Facility of drainage;
- v) Minimization of flood or inundation damage;
- vi) Actual flood protection;
- vii) Use of BLSD facilities; and/or
- viii) Any other criteria established by Thurston County under RCW 85.38.160 that measure manifest degrees of benefit or use from BLSD's facilities and operations. *RCW 85.38.150(4)*.

### **Section 10.10. Authorized Uses For Special Assessments**

Special assessments may be imposed to pay for the construction, repair, and maintenance of BLSD facilities and for BLSD operations. Any administrative and operational costs of BLSD shall be proportionally included in these special assessments. *RCW 85.38.150(5)*.

### **Section 10.11. County to Establish System(s) of Assessment**

Thurston County shall establish a system(s) of assessment pursuant to RCW 85.38.160. The County must establish which improvements shall be subject to special assessments, and the County must establish one (1) or more types or classes of such improvements. The County Engineer must prepare a preliminary system of assessments for BLSD pursuant to RCW 85.38.160, which is to be filed with the Thurston County Commissioners.

Pursuant to RCW 85.38.160, the County must hold a public hearing on the preliminary system(s) of assessment and must publish and mail notice pursuant to RCW 85.38.160.

### **Section 10.12. Delinquent Special Assessments**

The Thurston County Treasurer is responsible for posting the delinquency lists and conducting any sale for delinquent assessments pursuant to RCW 86.09.496-86.09.517. Delinquent special assessments shall be foreclosed in the same manner and subjected to the same time schedules, interest and penalties as delinquent property taxes. The Thurston County Treasurer may impose a fee for collecting special assessments not to exceed one percent (1%) of the dollar value of special assessments collected. *RCW 85.38.170*.

### **Section 10.13. Special Assessment Bonds Authorized**

BLSD may issue and sell special assessment bonds or notes to finance costs related to providing, improving, expanding, or enlarging improvements and facilities if the Thurston County Commissioners within which all or the major part of BLSD is located authorize the issuance of such bonds or notes. The decision of the Thurston County Commissioners authorizing or failing to authorize a proposed issuance of special assessment bonds or notes is a discretionary function, and shall not give rise to a cause of action against Thurston County, the Thurston County Commissioners, or any member of the Thurston County legislative authority. *RCW 85.38.230, RCW 86.09.157*.

### **Section 10.14. Special Assessment Bonds - Terms of Issuance**

Any issuance of bonds by BLSD shall be pursuant to the terms of issuance as provided in RCW 85.38.240, RCW 85.38.250, and RCW 85.38.260. *RCW 86.09.157*.

### **Section 10.15. Utility Revenue Bonds**

If BLSD uses, sells or leases water for beneficial purposes, or furnishes other services that results in a reasonably certain permanent fixed income, then the Board (with approval from the Thurston

County Commission) shall have the authority to pledge such revenues and issue bonds of BLSD payable from the Utility Bond fund. Any such activities are governed by RCW 86.09.592-86.09.616.

### **Section 10.16. Provision for Payment of Bonds**

It is the BLSD Board's responsibility to make provisions for the payments and collection of assessments of BLSD bonds pursuant to the levy terms. If the BLSD Board fails to make provisions for the payment and collection of such assessments, then the fallback provisions provided in RCW 86.09.619 shall provide how BLSD bond payments and assessments are to be collected. *RCW 86.09.619.*

## **ARTICLE 11 Purchasing Policy**

### **Section 11.1. Purchasing Policy**

In purchasing supplies, equipment and services, it is the policy of BLSD to make every attempt to obtain maximum quality at minimum cost in a timely manner. BLSD Directors shall use the following guidelines when purchasing items.

### **Section 11.2. Direct Purchasing**

Any item or group of identical items valued at less than One Thousand Dollars (\$1,000) may be purchased directly from a supplier, taking into account buyer experience and knowledge of the market to achieve maximum quality at minimum cost.

### **Section 11.3. Price Quotations**

For any item or group of identical items valued from One Thousand Dollars (\$1,000) to less than Ten Thousand Dollars (\$10,000), price quotations must be secured from enough vendors to assure establishment of a competitive price.

### **Section 11.4. Construction Contracts, Public Bidding Required.**

All contracts for construction, or for labor or materials entering into the construction of any improvement authorized by BLSD, must be awarded at public bidding unless an exception at law applies. *RCW 86.09.178.* The procedure for these contracts shall be as follows:

- (1) A notice calling for sealed proposals shall be published in a newspaper or newspapers of general circulation as designated by the BLSD Board. Such notice shall be published not less than two (2) weeks prior to the day of the opening of the bids. Such notice shall run in not less than three (3) weekly issues. *RCW 86.09.178.*

- (2) All proposals must be accompanied by a certified check for the amount the BLSD Board decides upon. Such check is to guarantee compliance with the bid. *RCW 86.09.178.*
- (3) The sealed proposals shall be opened in public at the time and place so designated in the notice. *RCW 86.09.178.*
- (4) The contract shall be awarded to the lowest and best responsible bidder; PROVIDED, that the BLSD Board shall have the authority to reject any or all bids. If BLSD rejects all bids, then BLSD shall readvertise for bids. If no satisfactory bid is received, and with the written approval of the director, BLSD may proceed to construct the work(s) by force account. *RCW 86.09.178.*

### **Section 11.5. Procedures For Contracting For Projects And Proposed Services**

BLSD has established procedures for contracting for personnel and purchased services. The procedures differ for minimum competition (\$0 - \$5,000 range), informal/medium competition (\$5,000 - \$20,000 range), and formal competition (\$20,000 and over).

### **Section 11.6. Exceptions to Price Quotations or Competitive Bidding**

Price quotations or bidding are not necessary for any of the following:

- i) emergency purchases;
- ii) purchases which are clearly and legitimately limited to a single source of supply and purchases involving special facilities services, or market conditions, in which instances the purchase price may be best established by direct negotiation;
- iii) purchase of insurance and bonds; or
- iv) any proposed improvement or part thereof not exceeding Five Thousand Dollars (\$5,000) in cost may be constructed by district employees; provided, however, that this shall not restrict a Special District from using volunteer labor and equipment on improvements and providing reimbursement for actual expenses. *RCW 85.38.190.*

### **Section 11.7. Procurement of Architectural And Engineering Services**

BLSD uses a qualifications-based selection for all architectural and engineering services required by BLSD as provided in RCW 39.80. With qualification-based selection, BLSD may not consider price in the selection process or as a selection criteria. BLSD must select whomever BLSD believes is the most qualified firm to provide architectural and engineering services. After selecting the firm, BLSD may negotiate project scope and fees; and, in a situation where BLSD and the chosen firm cannot reach agreement on the scope of the project and fees, BLSD may

negotiate with the next highest qualified firm who submitted a proposal. There is nothing in RCW 39.80 that prohibits BLS D from negotiating a reasonable and fair price for a project.

The process BLS D uses to solicit proposals from architectural and engineering firms is as follows:

**Section 11.7.1. Provide Notice.** BLS D will publish notice of BLS D's need for professional architectural and/or engineering services. The announcement will provide the general scope and nature of the project or work requested and the address of a representative of BLS D who is able to provide additional details regarding the project.

This notice requirement may be fulfilled by either (1) publishing an announcement for each project or (2) announcing generally to the public the projected requirements for any category or type of professional services. *RCW 39.80.030.*

**Section 11.7.2. Annual Statements.** BLS D will encourage firms engaged in architectural or engineering services to submit an annual statement of qualifications and performance data. BLS D shall then evaluate the annual statements and any proposals submitted for the specific project when BLS D determines which firm is best qualified.

BLS D shall ensure minority, women and veteran-owned architectural and engineering firms are afforded the maximum practicable opportunity to compete for the contract.

**Section 11.7.3. Negotiating Price And Terms.** After BLS D receives proposals and/or annual statements, the BLS D Board shall look at all the proposals and annual statements received and determine the most qualified firm for the project. After selecting the most qualified firm, BLS D Directors may then negotiate for the services at the price that BLS D deems is fair and reasonable to BLS D. *RCW 39.80.050.* If the terms and price are unable to be negotiated and agreed upon, then BLS D must formally terminate negotiations with the firm, and BLS D may then select a second firm with whom to negotiate price and scope of project. *RCW 39.80.040; 39.80.050.*

**Section 11.7.4. Emergency Situations.** In a situation where BLS D determines that an emergency requires immediate execution of the work involved, BLS D may choose to comply with the procedures in this section. *RCW 39.80.060.*

**Section 11.7.5. Reporting Requirements.** BLS D must report an architectural or engineering service contract entered into (and any modifications to the

same) to the Washington State Office of Financial Management on a quarterly basis. *RCW 39.80.070.*

### **Section 11.8. Contracts With the United States or Washington State.**

The BLS D Board of Directors has the authority to enter into a contract or any sort of obligation with the United States, any agency of the United States or with the state of Washington. All such contracts shall comply with applicable laws and pursuant to *RCW 86.09.163-86.09.172.*

### **Section 11.9. Installment Contracts.**

BLS D may enter into contracts for construction, services or materials, and BLS D may allow that payments be made in monthly proportion of the contract price, as the Board of Directors shall determine, as the work progresses or as the services or materials are furnished, on monthly estimates of the value as approved by the state director. If BLS D chooses to enter into an installment contract, before the BLS D enters into such contract, the plans, specifications and form of such contract must be approved by the state director. *RCW 86.09.175.*

### **Section 11.10. Contractor's Bond.**

Any person, except for the state of Washington and the United States, acting under the provisions of Chapter 86.09 RCW, Flood Control District, to whom or to which BLS D has awarded a contract for construction purposes, or for labor or materials over One Thousand and 00/100 Dollars (\$1,000.00), shall enter into a Bond to the state of Washington. Such Bond must have good and sufficient sureties, and be approved and filed with the state director. Such Bond must be for one hundred percent (100%) of the contract price, and must be conditioned on the faithful performance of said contract and any further conditions as are required by law. *RCW 86.09.181.*

### **Section 11.11. Personal Interest of Board of Directors in Contracts Prohibited**

No Director or Officer of BLS D may be interested (directly or indirectly) in any contract awarded or to be awarded by the BLS D Board. If a Director violates this RCW, the ramifications are outlined in *RCW 86.09.286.*

## **ARTICLE 12 Miscellaneous**

### **Section 12.1. Procedure For Claims Against BLS D.**

The Directors of BLS D shall appoint an agent to receive any claim for damages made under Chapter 4.96 RCW. The Directors shall ensure the identity of the agent and address where the agent may be reached during normal business hours of BLS D are of public record and recorded with the Thurston County Auditor.

All claims for damages against BLS D or any Director, employee or volunteer of BLS D must be presented to the agent within the applicable statute of limitations time period. A claim will be

deemed presented when the claim form is delivered in person or received by the agent by regular, registered or certified mail.

Claims must be presented on the standard tort claim form. The standard tort claim form must be posted on BLSD website. BLSD's website shall also provide on its website instructions regarding how the form is to be presented, the name, address and business hours of the agent of BLSD. *RCW 4.96.020.*

### **Section 12.2. Eminent Domain.**

BLSD has the power and may exercise the power of eminent domain to acquire any property or right, either inside or outside of the operation of the BLSD and outside the state of Washington, if necessary, for the use of the district. *RCW 86.09.202.*

The taking or damaging of property or rights by BLSD must be declared to be for a public use, and must be done to fully carry out the purposes of BLSD. Should BLSD wish to exercise its power of eminent domain, it must follow the requirements and procedures provided in *RCW 86.09.205-86.09.223.*

### **Section 12.3. Construction of System Across Public or Other Road or Public Utility**

If BLSD constructs a system across any public or other road or public utility, it must follow *RCW 86.09.229.*

### **Section 12.4 Liability of City, Town or Subdivision**

If BLSD constructs a system of improvement under *RCW 86.09* that results in a benefit to a public street or road, street or road bed or track thereof within the district, the city, town or subdivision may be liable for assessment to BLSD. In this situation, BLSD should consult *RCW 86.09.523* to determine the liability of the city, town or subdivision.

### **Section 12.5 Annexation of Contiguous Territory.**

Should BLSD desire to annex territory that is contiguously located to BLSD, BLSD shall use the procedures set forth in *RCW 85.38.200* under the petition and election, resolution and election, or direct petition method of annexation.

### **Section 12.6. Consolidation of Contiguous Districts.**

Should BLSD desire to consolidate two (2) or more Special Districts that are contiguously located in BLSD, or which occupy all or part of the same territory as BLSD, BLSD must use the procedures set forth in *RCW 85.38.210.*

### **Section 12.7. Withdrawal of Area Within City or Town.**

BLSD may withdraw area from its boundaries that is located within the boundaries of a city or town, or area that includes area both within and adjacent to the boundaries of any city or town. Should BLSD wish to withdraw area from its boundaries as specified in this Section, BLSD must follow the procedures set forth in RCW 85.38.213.

### **Section 12.8. Revision of BLSD**

The BLSD Board may amend the BLSD comprehensive plan of flood control or alter, reduce or enlarge the BLSD system of improvement, both within and outside of the District, and change the BLSD boundaries to include land likely to be benefited from the amendment or alteration by filing a petition (regarding the change) with the Thurston County Commission. *RCW 86.09.700*. The Thurston County Commission must follow RCW 86.09.702 with regard to the approval or denial of such petition.

### **Section 12.9. Transfer of Territory From One Special District to Another.**

BLSD may transfer territory located in BLSD to another Special District as provided in RCW 85.38.215.

### **Section 12.10. Suspension of Operations.**

BLSD may suspend its operations by the following process, as provided in RCW 85.38.220:

- i) the Board of BLSD shall initiate the suspension of BLSD's operations by adopting a resolution proposing such action;
- ii) filing a petition proposing the suspension of BLSD's operations with the Thurston County Commissioners. The petition must be signed by voters of BLSD who own at least Ten Percent (10%) of the acreage in BLSD or is signed by ten (10) or more voters of the Special District; or
- iii) the Thurston County Commissioners may adopt a resolution proposing the suspension of BLSD's operations.

A public hearing on the proposed action of suspending BLSD's operations shall be held by the Thurston County Commissioners. At such public hearing, the Thurston County Commissioners shall inquire into whether suspending BLSD's operations is in the public interest.

Notice of the public hearing must be published in a newspaper of general circulation in BLSD, posted in at least four (4) locations in BLSD to attract the attention of the public, and mailed to the Directors of BLSD.

After the public hearing, the Thurston County Commissioners may adopt a resolution suspending the operations of BLSD if they finds that such suspension will be in the public interest. The



Thurston County Commissioners shall provide a copy of the resolution to the Thurston County Treasurer.

After holding a public hearing on the proposed reactivation of BLS D which has had its operations suspended, the Thurston County Commissioners may reactivate BLS D by adopting a resolution finding such action to be in the public interest. Notice of the public hearing must be posted and published as provided for above in the proposed suspension of BLS D operations. The Board of BLS D shall be appointed as in a newly created special district, as provided in RCW 85.38.

If BLS D owns drainage or flood control improvements, BLS D may not be suspended unless the Thurston County Commissioners accept responsibility for operation and maintenance of the improvements during the suspension period. *RCW 85.38.220.*

### **Section 12.11. Dissolution of BLS D**

BLS D may be dissolved by a favorable sixty percent (60%) vote of the Qualified Voters voting at an election. Complete requirements and restrictions may be located at RCW 86.09.622-86.09.625.

### **Section 12.12. Amendments.**

These Bylaws may be amended at any Regular Meeting of the Board of Directors with a quorum present, by majority vote of the Directors.

**CERTIFICATE OF ADOPTION**

The undersigned, being all of the Directors of the Black Lake Special District, hereby certify that the foregoing are the Bylaws of Black Lake Special District, and ordered certified and filed in the Minute Book of said Special District by a majority vote of the Board of Directors of the Blak Lake Special District at a Regular Meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

In Witness Whereof, we have affixed our signatures hereunto this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

**DIRECTORS:**

\_\_\_\_\_  
**LAKE STINTZE**

\_\_\_\_\_  
**VERNON BONFIELD**

\_\_\_\_\_  
**JOHN HENKLE**