

TO: City Council
FROM: Karen Kirkpatrick, City Attorney
DATE: June 21, 2022
SUBJECT: Hopkins Drainage District Assessment

1) Recommended Action:

Staff requests that Council authorize the City Attorney, or the City Attorney's designee, to object to and appeal any assessment imposed by Hopkins Drainage District #2 and take any and all actions necessary to protect the City including authorization to prosecute actions in court.

2) Background:

On June 2, 2022, Hopkins Drainage Ditch District #2 sent a Notice of Hearing to landowners within the District as well as outside of the District that it intends to assess, including the City of Tumwater. The District is seeking to collect between \$360,000 and \$380,000 initially to re-establish and improve the ditch to handle the flow of stormwater. After the initial levy, the District intends to impose 10% of the initial amount for each parcel as an annual levy to assist with maintenance. They have scheduled a hearing for July 9, 2022.

Hopkins Drainage District made several claims about the cause of the flooding it experienced in January 2022, and the City has been in communication with the District and their counsel regarding those claims. The attached Notice of Hearing contains the District's claims. Based on the information the City has to date, staff does not believe the assessment is supportable or that the City is receiving a benefit from the District. Staff recommends the City object.

If the District approves the assessment on July 9th, the appeal deadline will pass before the City Council has its next regular meeting. Therefore, staff is seeking approval in advance to take any necessary actions to protect the City's interests.

3) Policy Support:

Refine and sustain a great organization – be fiscally responsible.

Be a leader in environmental sustainability.

4) Alternatives:

Not authorize the City Attorney (or designee) to object or file an appeal of any assessments.

5) Fiscal Notes:

More information is needed (and has been requested). However, preliminary estimates suggest that the District seeks an initial assessment of \$750 per non-commercial property, and an on-going maintenance assessment of 10% of the initial assessment annually. Commercial properties would be assessed \$2,500, plus the annual maintenance assessment. The City owns two parcels within the Preserve development.

6) Attachments:

Attachment A – Hopkins Drainage Ditch District No. 2 Notice of Hearing.