

SOUTH WHIDBEY PARKS AND AQUATICS FOUNDATION

5475 Maxwellton Road
Langley, WA 98260

Via Email

October 6, 2023

Tanya Mercier
Compliance Officer
Public Disclosure Commission
Pdc@pdc.wa.gov

RE: PDC Case Number 142835 South Whidbey Parks and Aquatics Foundation

Dear Ms. Mercier:

We have reviewed your email, the complaints, and the PDC registration and reporting guidelines you provided. We do not believe the South Whidbey Parks and Aquatics Foundation meets the definitions of either a political committee or an incidental committee, so is not required to register. That said, if the PDC disagrees with our interpretation, we wish to fully cooperate with the PDC to come into compliance. We can provide you with additional information if necessary to assist in your determination.

Background.

The South Whidbey Parks and Aquatics Foundation is a 501(c)(3) tax exempt nonprofit organization established in 2008. We are an all-volunteer organization, located on Whidbey Island. Our charitable purpose is reflected in our stated mission statement:

The mission of the South Whidbey Parks and Aquatics Foundation ("Foundation") is to make parks and aquatics activities accessible to ALL residents of the South Whidbey community by raising money to fund capital expenses, operating endowments and scholarships as well as supporting new and existing parks and aquatics programs.

For the past fifteen years, our activities have included annual open water swim races (Whidbey Adventure Swim), annual open water swim clinics and guided open water swim events, and fiscal sponsorship for a local youth fitness scholarship program. In addition, we have worked in close collaboration with the South Whidbey Parks and Recreation District ("Parks District") to support the design, construction, programming, and operation of an aquatic center on South Whidbey. We have raised funds for feasibility studies and have participated on a committee with the Parks District to work directly with consultants, architects, and engineers on the proposed design. In the past year, we have also been raising funds for a learn-to-swim program and a swim scholarship fund (equity fund).

The Parks District decided in March 2023 to propose a bond measure to be put on the ballot to fund construction of an aquatic center. This effort to fund construction through a levy is consistent with our mission. For that reason, the South Whidbey Parks and Aquatics Foundation has endorsed the ballot measure. The Foundation has used a small amount of funds from its general fund to pay for yard signs and posters, several newspaper ads, bumper stickers, and a mailing to the community. We have recently updated our website to endorse the bond.

The Foundation has not solicited contributions for the purpose of supporting the ballot measure and only a small portion of the Foundation's annual expenditures reflect the endorsement of the ballot measure. Specifically, total expenditures on bond-related activities from 1/1/2023 through 9/30/23 were \$5813 while the Foundation's total expenditures through 9/30/23 were \$30,350. Thus, the Foundation's bond-related expenditures are less than 20% of total expenditures through September 2023. We anticipate spending no more than an additional \$2,000 on bond-related activities. By the end of 2023, taking into account anticipated expenditures unrelated to the bond, we expect total bond-related expenditures to be less than 19% of total expenditures for 2023.

Incidental Committee

Because our expenditures supporting the bond are less than and will remain less than \$35,000.00 throughout the calendar year, we do not meet the threshold for registering and reporting as an incidental committee. WAC 390-16-013(1).

Political Committee

Similarly, we do not believe the Foundation is a political committee. It had no expectation of receiving contributions supporting the ballot measure and it does not have a primary purpose of engaging in election campaigns. PDC Interpretation No. 07-02. The Foundation's support of the bond has been only a small part of the Foundation's work and expenditures. We have spent the vast majority of our time, energy, and resources on nonpolitical activities over the past 15 years, including in 2023. Our charitable purposes encompass supporting all aquatic activities and recreation. Although we strongly support the construction of an aquatic center, our support has been primarily in the form of providing expertise, input, and funding for studies and technical consultants. This is the first ballot measure the Foundation has ever endorsed. The Foundation has spent less than 20% of its total 2023 expenditures on bond-related expenses. By the end of year, we anticipate that the Foundation will have spent less than 19% of total expenditures as we continue to spend more funds on core activities such as aquatic scholarships.

Please let us know if you believe our interpretation of the law and guidance is not correct or if providing additional information would be helpful. We wish to cooperate fully and ensure compliance with any applicable disclosure laws.

Respectfully yours,

Megan Scudder, SWPAF Board president

Margaret Delp, JD, SWPAF Board member, 360-929-7825 (Cell)

T

Tanya Mercier

replied

21 days ago (Thu, 12 Oct 2023 at 3:29 PM)

To: info@swparksandaquatics.org

Cc: mdelp@swparksandaquatics.org

Margaret,

What is the source or sources of funding for the general fund?

Thank you,

Tanya

M

Margaret Delp

replied

19 days ago (Sat, 14 Oct 2023 at 2:07 PM)

To: "PDC Support" <pdcpdc@wa.gov>

Cc: info@swparksandaquatics.org

External Email

Hello Tanya:

Thank you for your email. The sources of funding for the South Whidbey Parks and Aquatics Foundation have been the same for many years through the present day. We raise funds in a number of ways. We raise funds through our annual events: the Whidbey Adventure Swim (an open water swim race), Swag sales (Tshirts, mugs, stickers, hats, socks), and Open Water Swim Clinics. We received funds for years from grants and revenue from a 5k event, the "Chum Run," to fund youth athletic scholarships. In addition, throughout our existence, we have received donations from individuals. These contributions have been ongoing in the same way for years, including this year. We did not have a fundraising campaign related to the bond measure nor did we solicit funds to support passage of the bond measure. In fact, the overall contributions we received from individuals to our general fund in 2023 has been less than in previous years. More specifically and by way of example, donations from individuals to our general fund for 2020 was \$43,200; 2021 was \$13,200; 2022 was \$23,200; 2023 to date has been \$5,700. And, as previously stated, our expenditures to endorse the bond have been less than 20% of our total 2023 expenditures.

Respectfully yours,

Margaret Delp, SWPAF Board Member