

## **TUKWILA METROPOLITAN PARK DISTRICT**

**October 15, 2012 – 8:00 p.m.  
Council Chambers – Tukwila City Hall**

### **BOARD OF COMMISSIONERS REGULAR MEETING MINUTES**

#### **CALL TO ORDER**

Board President Seal called the Regular Meeting of the Tukwila Metropolitan Park District (MPD) to order at 8:06 p.m.

#### **TUKWILA METROPOLITAN PARK DISTRICT COMMISSIONERS**

Present were Joe Duffie, Dennis Robertson, Verna Seal, Allan Ekberg, Kathy Hougardy, De'Sean Quinn, Kate Kruller.

#### **TUKWILA METROPOLITAN PARK DISTRICT REPRESENTATIVES**

Lisa M. Marshall, MPD Board Attorney; Peggy McCarthy, Board Treasurer.

#### **CITY OF TUKWILA OFFICIALS**

Jim Haggerton, Mayor; David Cline, City Administrator; Rick Still, Parks and Recreation Director; Robert Eaton, Parks and Recreation Project Coordinator; Malcolm Neely, Aquatics Coordinator; Amy Kindell, Aquatics Program Specialist; Craig Zellerhoff, Fiscal Coordinator; Christy O'Flaherty, City Clerk.

#### **CITIZEN COMMENTS**

There were no citizen comments

#### **CONSENT AGENDA**

a. Approval of Minutes: 9/17/12

b. Approval of Vouchers:

October 1: #120800, 120904, 120905 in the amount of \$6,322.65

October 15: #361619, 361626, 361672, 361689, 361716 in the amount of \$16,616.00

**MOVED BY DUFFIE, SECONDED BY HOUGARDY TO APPROVE THE CONSENT AGENDA AS SUBMITTED. MOTION CARRIED 7-0.**

#### **BUSINESS ITEMS**

##### **a. Capital Project Update.**

Robert Eaton, Project Coordinator, gave an overview of the progress on the capital projects.

At the August 20, 2012 MPD Board Meeting, the Board President was authorized to sign the contract documents with the State Department of Enterprise Services to approve the implementation of the Energy Services Proposal from McKinstry. Since that action was taken, the project has been moving forward very quickly.

Board Member Robertson inquired regarding the status of findings associated with asbestos. Rick Still, Parks and Recreation Director, stated that the asbestos levels were found to be very insignificant.

Board Member Robertson asked if staff will continue to work through the list of capital projects if extra funds are available, and Mr. Still responded in the affirmative.

**b. Capital Project Financing: Authorize the issuance of Limited Tax General Obligation (LTGO) bonds through Seattle Northwest Securities with a proceeds amount of \$1 million to fund pool improvements beginning November 5, 2012.**

**MOVED BY ROBERTSON, SECONDED BY EKBERG TO AUTHORIZE THE ISSUANCE OF LIMITED TAX GENERAL OBLIGATION (LTGO) BONDS THROUGH SEATTLE NORTHWEST SECURITIES WITH A PROCEEDS AMOUNT OF \$1 MILLION TO FUND POOL IMPROVEMENTS BEGINNING NOVEMBER 5, 2012.\***

Board Member Robertson asked if the bonding documents would have legal review. Peggy McCarthy, Board Treasurer, indicated they would have a legal review and also a review by bond counsel.

**\*MOTION CARRIED 7-0.**

**c. Review and discussion of 2013 preliminary budget.**

Rick Still, Parks and Recreation Director, gave a summary of the 2013 preliminary budget.

The Tukwila Pool Metropolitan Park District (MPD) 2013 Proposed Budget was distributed on October 1, 2012. The budget layout is similar to last year's approved budget. The items that have been modified are listed under discussion. The MPD 2013 budget adoption schedule is below:

- October 1 – 2013 Proposed Budget distributed.
- October 3 – Tukwila Pool Advisory Committee (TPAC) budget review.
- October 15 – 2013 Proposed Budget presentation.
- November 7 – TPAC 2013 budget review and fees discussion.
- November 19 – 2013 Programs and Fees Discussion, to include TPAC recommendation.  
Public Hearings on Tax Levy Resolution and 2013 Budget.  
Adoption of Tax Levy Resolution and 2013 Budget Resolution.

The Tukwila Pool had a very successful year in 2012 as reflected in the following:

- Record numbers of participants have taken swim lessons, participated in an exercise class or swam as a family and enjoyed the special events at the pool.
- Cost reductions achieved through not filling the ¾-time Aquatic Specialist, utility savings and various operating savings.
- The Tukwila Pool Advisory Committee was created to gain resident insight and comments regarding the pool's direction.
- The major accomplishment of working through the list of capital improvement needs, hiring an energy savings company to design and construct the final list of projects, and committing to complete the capital projects this winter will help sustain the pool for another 20 years.

The 2013 Proposed Budget is based upon this year's successes with continued growth in pool participation, operational efficiencies, community involvement, and enjoyment of a functional, operating pool.

The Board is being asked to direct the TPAC to review the 2013 Proposed Budget and prepare recommendations to staff by November 9, 2012.

Vanessa Zaputil, 15171 52<sup>nd</sup> Avenue South, said it is anticipated that Tukwila property valuation will go up by approximately 3%, and she wants to ensure the MPD will benefit from the added valuation.

Board President Seal responded in the affirmative.

**Board consensus existed to send the 2013 Proposed Budget to the TPAC to provide recommendations to staff by November 9, 2012.**

**d. Authorize the President of the Board of Commissioners to sign a professional services contract with Lisa M. Marshall for the provision of legal counsel services for the Tukwila Metropolitan Park District through December 31, 2012.**

**MOVED BY QUINN, SECONDED BY KRULLER TO AUTHORIZE THE PRESIDENT OF THE BOARD OF COMMISSIONERS TO SIGN A PROFESSIONAL SERVICES CONTRACT WITH LISA M. MARSHALL FOR THE PROVISION OF LEGAL COUNSEL SERVICES FOR THE TUKWILA METROPOLITAN PARK DISTRICT THROUGH DECEMBER 31, 2012. MOTION CARRIED 7-0.**

**e. Overview of legal process for change in governance.**

Lisa Marshall, Board Attorney, provided an overview of the legal process for a change in governance.

Ms. Marshall explained that in 2003, the legislature amended the Metropolitan Park District Code, such that districts formed after June 2003 do not have to elect commissioners. If the current Tukwila MPD wanted to appoint commissioners, it could do so. The focus for this discussion will be on the process for having an elected commission.

Should it change the form of governing authority, the financial impact to the MPD would be the cost of electing commissioners at a general election, which would total between \$10,000 and \$11,000. The costs for running a special election would be higher than those for a general election. In addition, the cost of participation in the Voters Pamphlet is roughly \$1,000. There are approximately 7,200 registered, active voters within the MPD boundaries. According to the King County Department of Records and Elections, the cost of a ballot measure at a general election is between \$1.25 and \$1.50 per registered, active voter.

When the question of formation of the MPD went to the voters in 2010, the resolution submitting the ballot measure specified that Tukwila City Councilmembers would serve as MPD Board Members. No commissioners were elected in conjunction with formation of the District. The resolution submitting the ballot measure also specified that the purpose of the MPD is to operate and maintain the Tukwila Pool. Accordingly, should the MPD wish to change the purpose of the MPD, the District would need to hold an election on the newly stated purpose. However, should the MPD wish to change the composition of the governing authority of the MPD, it would not need to do so at an election or elect commissioners <RCW 35.61.050(5)>. Because the MPD has not indicated a desire to change the purpose of the District, and because it is assumed that the District would likely prefer that commission members run for election if a change of governance is desired, the focus will only be on the narrow issue of the process required to change the form of the MPD's governing authority to that of an elected commission.

**Process for Electing Commissioners:** Commission members may be elected only at a general - not a special - election (RCW 29A.04.330). The initial election on the issue of governance (election of commissioners) can occur in an odd numbered or an even numbered year. In either an odd or even numbered year, the initial election is called a "special" election. If the initial election is in an odd numbered year, it is still called a "special" election, but it is held in conjunction with the general election on the first Tuesday in November. Accordingly, the earliest date that MPD commissioners could be elected is at the general election (first Tuesday in November) 2013. It is important to keep in mind that candidates must file and declare candidacy the May preceding the November election. Commission candidates run for specific commission positions, at-large, and no primary can be held. The person receiving the greatest number of votes for each position is elected as a commissioner. The newly elected commission would have five members.

**Staggering of Terms:** Commission terms are staggered so that, eventually, commissioners serve six-year terms. When the initial election of five commissioners occurs in an odd numbered year, the staggering of the terms of office occurs as follows: the two persons who are elected receiving the two greatest numbers of votes shall be elected to six-year terms of office. The two persons who are elected receiving the next two greatest numbers of votes are elected to four-year terms of office. The other person who is elected shall be elected to a two-year term of office (RCW 35.61.05).

In even numbered years, the two persons who are elected receiving the two greatest numbers of votes shall be elected to five-year terms of office. The two persons who are elected receiving the next two greatest numbers of votes are elected to three-year terms of office. The other person who is elected shall be elected to a one-year term of office.

Regardless of whether the election is conducted in an odd numbered or even numbered year, the initial commissioners shall take office immediately when they are elected and qualified. "Elected and qualified" requires certification of election results and taking the oath of office. For purposes of computing their terms of office, the commissioners' terms shall be assumed to commence on the first day of January in the year after they are elected. Thereafter, all commissioners shall be elected to six-year terms of office.

**Options Concerning Timing and Community Input:** Importantly, because the law does not require park district commissioners to run for office after formation of the district (although this information assumes the District would wish to hold an election), a district is free to elect commissioners, if at all, at any general election beginning in 2013. The commission may wish to hold an election in 2013, or it may wish to not hold an election for several years thereafter, and that is acceptable as well. Because the MPD has so much discretion as to when to hold an election of commissioners, the MPD may desire to hold an advisory ballot measure to determine if the voters in the MPD would prefer elected commissioners or if they would prefer to maintain the current model. Advisory ballots may be held at a special or general election, although it is generally more costly to hold ballot measures at special elections.

In addition to or as an alternative to an advisory ballot measure, the MPD may choose to hold public hearings, meetings, workshops, or open houses to discuss with MPD voters the form of governance the voters prefer, and the steps required to change the form of governance.

The Board members discussed this issue and asked clarifying questions of Ms. Marshall. It was recognized by the Board that if the decision was made to hold an election, it would be very important to give potential candidates plenty of time to prepare. The Board determined they should take a vote on whether or not to change the governance structure at the next MPD Board meeting.

**Board consensus existed to take a YES or NO vote to the following question at the November 19, 2012 MPD Board Meeting: Does the MPD Board of Commissioners intend to change the governance structure of the MPD at some point in the future?**

## REPORTS

- a. Commissioners
- b. Staff:
  - Capital Improvement Program (CIP) Status
  - Operational Issues
  - Short-term agenda review
- c. Tukwila Pool Advisory Committee (TPAC):
  - Agendas and Minutes
  - Chairperson Report
- d. Miscellaneous
  - Long-term agenda
  - Next meeting is November 19, 2012

Jacque Carroll, 16241 49<sup>th</sup> Avenue South, referenced a stakeholders meeting to be conducted on November 1, 2012 at 7:00 a.m. at the Tukwila Community Center. She feels this is an odd time for a meeting and not conducive to the greatest participation. She inquired if there would also be an evening meeting, and emphasized the importance of the community and pool patrons being informed about the meetings.

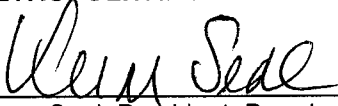
Board President Seal explained that the November 1 meeting is a pre-construction stakeholders meeting, set during a time when many of the pool patrons are at the pool and before their workday begins.

Mr. Still said the timing for the meeting was based on the construction schedule and the pool closure on November 5, 2012. The TPAC meetings have a standard start time of 7:00 a.m., and the pre-construction meeting was set to coincide with that timeframe. There will also be a walk-through meeting in December 2012.

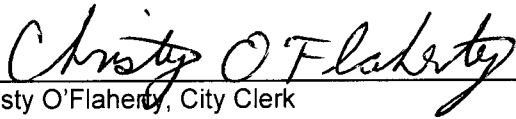
Board President Seal indicated the Board accepts input at the MPD meetings in the evenings, and input can also be sent electronically to PoolInfo@TukwilaWA.gov.

**ADJOURNMENT**

**9:19 p.m. MOVED BY DUFFIE, SECONDED BY ROBERTSON THAT THE TUKWILA METROPOLITAN PARK DISTRICT MEETING BE ADJOURNED. MOTION CARRIED 7-0.**



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Verna Seal, President, Board of Commissioners



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Christy O'Flaherty, City Clerk