

TUKWILA POOL METROPOLITAN PARK DISTRICT

March 26, 2014 – 5:30 p.m.
Council Chambers – Tukwila City Hall

BOARD OF COMMISSIONERS REGULAR MEETING MINUTES

CALL TO ORDER/PLEDGE OF ALLEGIANCE

Clerk of the Board Kruller called the Regular Meeting of the Tukwila Pool Metropolitan Park District (TPMPD) to order at 5:36 p.m. and led the audience in the Pledge of Allegiance.

ROLL CALL

Jennafer Price Cargill, Executive Director, called the roll of the Board of Commissioners. Present were Commissioners Joe Duffie, Dennis Robertson, Allan Ekberg, Verna Seal, Kathy Hougardy and Kate Kruller.

**MOVED BY DUFFIE, SECONDED BY ROBERTSON TO EXCUSE BOARD PRESIDENT QUINN.
MOTION CARRIED 6-0.**

TUKWILA METROPOLITAN PARK DISTRICT OFFICIALS

Brian Snure, Park District Attorney (via telephone); Jennafer Price Cargill, Executive Director.

AGENDA AMENDMENT

Clerk of the Board Kruller called for a motion to consolidate the agenda.

MOVED BY HOUGARDY, SECONDED BY ROBERTSON, TO AMEND THE AGENDA TO MOVE ITEM 5E FACILITIES USE AGREEMENT APPROVAL INTO SECOND POSITION AS ITEM B SO IT WILL FOLLOW AFTER THE INTERLOCAL AGREEMENT DRAFT. MOTION CARRIED 6-0, WITH QUINN ABSENT.

CITIZEN COMMENTS

Vanessa Zaputil, 15171 52nd Avenue South, speaking for the Sustain Tukwila Pool Committee regarding the concern the committee has with the possible conflict of interest having the City Councilmembers serving as Pool MPD Commissioners. Sustain Tukwila Pool formally suggested a change in governance in August 2012. The committee feels that an independent Board of Commissioner would eliminate this conflict. She shared an opinion from the State Attorney General's office on a relevant case, AGO 5960 #139. Some Commissioners have expressed their concern over this conflict in the past. A new election can be created to independently elect TPMPD Commissioners, thus empowering the community and unburdening the City Council of the conflict of interest.

Clerk of the Board Kruller asked the other Board members if they wanted to respond to this comment immediately or to hear the other citizen comments and then respond later. There was consensus for the Board to hear the comments and then to respond to comments received.

Sam Neuffer, 13813 37th Avenue South, is concerned about the gender only swim. This could have far reaching effects when it comes to employing lifeguards. Currently there are only two male lifeguards and five female, so this could result in unfair hiring practices due to gender.

Noemi Navarro, 3714 South 152nd Street, #14A, wishes to thank the Board for the pool. She feels the staff at the pool are doing a great job.

Juana Sandoval, 14444 34th Avenue South, #2 (translated by someone else at the meeting) stated that the swimming lessons are very good for her. She wishes to thank the Board for their work.

Laura Flores, 14014 42nd Avenue South, (translated by someone else at the meeting) also wished to thank the Board for the pool. She enjoys taking her son to the pool for exercise.

Shadia Hamad 13765 56th Avenue, #C401, stated there is no doubt about the benefits of exercise offered by having pool access. Her experience with the gender specific swims has given her higher self-esteem. Because of the program she feels safe taking her daughter to the pool.

5:50 p.m. Board President Quinn entered the Chambers.

Rabeya Suraka, 3810 South 158th Street, #C3, hopes the Board will continue with the gender specific swims and thanks the Board for their continued support of the community.

Linda Po, 32744 35th Avenue SW, Federal Way, also thanked the Board for the opportunity to swim and spend time with family as well as get some exercise.

Sumaya Shanle, 13405 Des Moines Memorial Drive, #B204, Burien, feels the Tukwila Pool is a great opportunity to promote exercise. The gender specific swim allows her and her friends to live an active lifestyle while also abiding by her religious beliefs.

Alma Villegas, 10627 53rd Avenue South, Seattle, is the Community Programs Manager with Global to Local. During her career, she has helped with outreach to the immigrant community. She would like to thank the Board and the pool staff for their contributions and dedication towards making the pool programs accessible to all people living in the Tukwila community. Recently, she received communication that it is no longer necessary for her to attend the Tukwila Pool Board meetings and that doing so interrupted the ability of the Board to conduct business. She feels that it is important for her to continue to attend the meetings and stand strong with the community as long as they need her and the support of Global to Local.

Clerk of the Board Kruller stated that this meeting is open to all people with a desire to attend and speak during citizens comments. Citizen input is what makes the Board better. She is concerned that there may be some miscommunication happening and will investigate the matter.

Commissioner Duffie was also concerned to hear that anyone would tell a citizen not to attend these meetings. He will also investigate this claim. The pool belongs to the City of Tukwila citizens and all have the right to enjoy it.

Commissioner Robertson noted that the audience tonight is all women and stated that as far as the single gender swim issue, it has been settled and the Commissioners have no desire to revisit the issue. The citizens who use the gender swims should feel confident that this will not change. Both the Board and the operator are happy with this decision. He appreciates the citizens coming to this meeting and sharing their concerns.

Board President Quinn echoed the other Commissioners' concerns about citizens possibly being asked not to attend this meeting and commended Commissioner Kruller on how she handled the situation. As Board President, he will also investigate the issue. All citizens are welcome to attend and participate in these meetings. His number one priority is that the citizens and Commissioners respect each other.

Commissioner Ekberg supports what the rest of the Commissioners have expressed. He offered his assistance if needed to resolve this issue.

Commissioner Seal is proud of this Board and the respect shown to each other and the citizens. She looks forward to solving this and apologized to Ms. Villegas.

Commissioner Hougardy also noted that the audience was all women. As a side note, a little over one hundred years ago women could not vote and did not have a voice. Now all citizens have a voice and the Board is respectful of citizen opinions.

Clerk of the Board Kruller saluted National Women's Month and that women have an important contribution on how our nation is shaped. There is one vision the Commissioners have and that is to keep the pool. If citizens hear rumors about what this Board says or is doing, please feel free to come and get the information from that Commissioner.

Ellen Gengler, 13727 Macadam Road South, was concerned by some of the things that were shared here tonight. People will not always agree, but that is the exciting part of participating in the process of government. She invites more citizens to participate in shaping our city.

Clerk of the Board Kruller asked if there was any further discussion from the Board on any of the comments heard earlier from citizens.

Commissioner Robertson said regarding the conflict of interest issue brought up in citizen comments, he does not feel there is a great conflict of interest as neither the Council nor the TPMPD are for-profit organizations. He agrees with the points raised by Ms. Zaputil that if we had people other than the Council on the Board, this would empower and engage more community people in leadership roles. Empowering more people in government would be a good thing for the city. He also agrees that it would unburden the Councilmembers. Most of the Commissioners serve on various committees, so not serving on the TPMPD Board would free up more time. If there are enough citizens willing to run for the TPMPD Board, he would be supportive of changing the Board.

Commissioner Duffie would like an answer from the City Attorney as to whether serving on both the Board and the Council is a conflict of interest and then proceed on this item.

Board President Quinn stated he is not in favor of governance change and that his position is supported by the remarks he has received from the citizens. When he is making decisions as a Councilmember or as a Commissioner, he is representing the citizens' best interests.

Commissioner Seal reminded all that when the Board was created, they were informed that there would be conflicts, but were assured they would be able to work through those conflicts. She also looks forward to the City Attorney's answer regarding potential conflict of interest. There is still a lot of work to be done before she would feel it would be time to change governance.

Commissioner Ekberg appreciates citizens desire to get involved with the government process and one of the Board's goals is to review governance.

Commissioner Hougardy thinks this should be funneled through the Executive Director Committee and that would put processes in place for making changes. When the Board was formed and went on the ballot, it had gone through legal review and citizens voted on the current governance. All indications seem to suggest the citizens are satisfied with the way the pool is being operated and overseen.

Board President Quinn commented on the excellent way Clerk of the Board Kruller is handling this discussion and there is no decision being made tonight on the change of governance.

Clerk of the Board Kruller mentioned that, this issue of governance was brought up to the City Council and they are waiting for the City Attorney to report back to the Councilmembers. She is always open to exploring options. She feels transition is coming in the future; how this gets done is the process that needs to be put in place.

Commissioner Robertson would like to know when the Board will be discussing this issue and what the next step is.

Board President Quinn stated there needs to be a consensus on when this will be up for vote; it is not currently on the agenda for the retreat but if the other Commissioners would like to have it on the agenda it can be added. What is important is that the process be outlined and options available.

Commissioner Robertson clarified with Board President Quinn that the governance issue will be brought up at the next Executive Director Committee Meeting as a discussion topic.

Commissioner Duffie feels there is a process to identify issues or agenda items and this process should be maintained.

Commissioner Hougardy agreed with Commissioner Duffie and the process needs to be followed.

Commissioner Ekberg would like to see these discussions continue.

Clerk of the Board Kruller welcomes any agenda topics or process ideas that citizens would like to offer and invites anyone to make suggestions. She noted that a workshop could also prove a good way to provide processes in making changes to the governance instead of overloading the retreat. She then recapped for Board President Quinn the previous motion to change the order of the agenda.

CONSENT AGENDA

a. Approval of Minutes: 2/26/14 (Regular)

b. Approval of Vouchers:

March 3: #365633, 365652, 365708, 365738 and 140100 in the amount of \$2,574.94

March 17: #365767, 365823, 365000 in the amount of \$5,087.69

March 24: #365850, 365854, 365900 and 140200 in the amount of \$14,503.56

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

REPORTS

- a. **Commissioners.** Board President Quinn reported he had a discussion with the TPMPD Attorney, who suggested it would be appropriate to have a separate email that would potentially address the conflict of interest issue regarding Board Members versus Councilmembers.
- b. **Executive Director.** Ms. Cargill submitted her report and was available to answer any questions.
- c. **Operator** – no representative. Commissioner Seal commended the pool staff for working through the power outage closure. Clerk of the Board Kruller also expressed her appreciation for this report and her request that the City continue to provide the Board with reports whenever future events of this nature occur.

Ellen Gengler, 13727 Macadam Road South, turned the Board's attention to page 11 of the packet. She recalled that she took the 4th Quarter Summary and broke it down for the Board a few months ago. She is in the process of doing that for the first two months this year. She noticed that Mr. Cline's hours were listed in January, but not in February.

Board President Quinn stated that Mr. Cline decided not to charge for the February meeting so no hours were listed. This also is a reminder that the Board should be clear about when it wants a representative from the City to attend the TPMPD meeting.

Clerk of the Board Kruller asked if the meetings between Mr. Cline and the TPMPD Executive Director and/or Board President are charged to the TPMPD or are considered a regular part of City business. Ms. Cargill did not know the answer but agreed to seek an answer.

d. Financial and Support Services.

Commissioner Robertson had some questions on page 11. He would like to know where those charges come in and what is the difference in page 11 versus page 9 as it makes a difference in budgeting.

Ms. Cargill responded that page 9 is for January and page 11 refers to February.

e. Tukwila Pool Advisory Committee (TPAC).

- TPAC Chair report (includes two recommendations regarding scholarships and sponsorships)

Vanessa Zaputil (representing TPAC) stated that the TPAC Chair Report is provided in the package. The March 10th meeting was well attended. It appears that the \$10,000 per year budgeted should be adequate funding for the scholarship program. A fundraising plan, if necessary, resulted in a recommendation to the Board. The marketing representative requested a list of the top ten to twenty business sponsorship opportunities to pursue. A discussion followed and resulted in a recommendation to the Board. TPMPD Executive Director gave a report concerning the website. She asked if TPAC would like a web-page to which the committee agreed. She updated the committee on previous recommendation to the Board; Resolution 8 and the posting of employee images at the pool. The two recommendations that TPAC is bringing to the Board are:

1. TPAC recommends the TPMPD Board authorize the Executive Director to sign and approve all scholarship applications as well as every lesson session awarded for each scholarship as a means to track funding needed and student progress. This will allow for greater level of transparency and accountability to the TPMPD on public funds used for scholarship purposes.
2. TPAC recommends the TPMPD Board create a policy for sponsorship donor opportunities and the qualities they expect from the business support as well any limitations to accepting sponsorships and donations. This recommendation allows the TPMPD to set policy and explore extra funding opportunities while retaining control over the use of the sponsorship with regard to the TPMPD pool.

Commissioner Hougardy said these recommendations will be reviewed by the Executive Director Committee (EDC).

Commissioner Robertson inquired as to how these recommendations will be brought to the Board for action.

Commissioner Hougardy responded by saying these recommendations will be discussed in the Executive Director Committee meeting and brought back to the TPMPD Board for discussion and possible action.

Commissioner Seal stated that this has been brought to the Board by TPAC and her expectation is that this will go before the Executive Director Committee, and that Board members and others are welcome to provide feedback. Then it will need to be brought before the Board of Commissioners to approve or disapprove. After that would be the drafting of the resolution.

Clerk of the Board Kruller stated that if there were no objections, perhaps the Executive Director should be directed to draft language to send to the full Board for resolution.

Commissioner Seal replied that she felt the recommendations should be further vetted before taking that step.

Commissioner Robertson asked if there were timelines regarding the next step in the KJ Design Team recommendations referred to in the February TPAC meeting minutes.

Commissioner Ekberg said he thought the priorities identified in the KJ report would be discussed at the retreat.

Board President Quinn echoed Board Member Ekberg's comment that it was requested that those items and the report, in general, be taken up at the retreat.

Ms. Zaputil wanted to make it clear that the process for TPAC recommendations is to bring them before the Board first and not directly to the Executive Director Committee.

Commissioner Hougardy thinks this process is working for now, but perhaps sending it to the Executive Director Committee before the Board might speed up the outcome.

Commissioner Ekberg feels perhaps these recommendations could go to the Executive Director Committee directly to make things quicker.

Board President Quinn thinks all the Board Members are, in essence, saying the same thing. He feels good that there is a process identified for these recommendations and they will get fully vetted by the Executive Director Committee.

Clerk of the Board Kruller is concerned that this discussion may leave the TPAC Chair uncertain of when and to whom she should deliver her feedback.

Board President Quinn asked if the KJ Design report is what TPAC is asking for feedback on.

Ms. Zaputil explained that she was talking about overall TPAC recommendations to the Board. She asked if the Board would like TPAC to present recommendations to the Board, even though the recommendations are going to be discussed by the Executive Director Committee.

Jackie Carroll, 16241 49th Avenue South, stated that she had an understanding that the Executive Director had created a new process for the Board with packets containing all of the information about the upcoming meeting days prior to the meeting. If that is the case, could the Board explain why the one recommendation regarding the Executive Director signing off on things could not be passed at this meeting?

Board President Quinn stated that the Board would receive the information beforehand and the recommendations are to be discussed at the Board meetings and also in the Executive Director Committee as well.

Clerk of the Board Kruller feels the referenced recommendation should be discussed in the Executive Director Committee, with the Executive Director, to see if she is interested in having the recommended authorization as she has a lot of other duties. She explained the Executive Director Committee is an oversight committee for the Executive Director.

Board President Quinn said it was stated clearly that there would be potential for Board Members to provide comments. The Board receives recommendations and has the opportunity to deliberate on those recommendations.

BUSINESS ITEMS

a. Interlocal Agreement draft with revisions for Commissioners to review.

An Interlocal Agreement with the City of Tukwila was approved in December 2013. At the January 2014 meeting, the Board voted to have the Executive Director and Attorney recommend amendments for the Board to consider. At the February meeting the Attorney and Executive Director proposed that language should be drafted to cover the following topics:

1) Dispute Resolution, 2) Termination, 3) Accountability & Reporting, 4) Cost controls, 5) Policies and Procedures. The Commissioners agreed that language should be drafted covering those five topics and directed the Executive Director and attorney to do so. The attached document was drafted in response to that request and has been provided to the Assistant City Attorney and the City Administrator for preliminary review.

Brian Snure, TPMPD Attorney, joined the meeting via telephone and Clerk of the Board Kruller introduced item a. Interlocal agreement.

Commissioner Robertson suggested they go to Section 1.1 Term; he believes there was agreement between the City and the Board to make the date December 31, 2015.

Ms. Cargill stated that date was agreeable to her and Mr. Snure if it was agreeable to the Board.

Commissioner Robertson went on to section 1.1.1. He is comfortable with the language in that section regarding termination for non-payment. His understanding was that both sides were comfortable as well. Mr. Snure agreed.

Commissioner Robertson moved to Section 1.1.2; termination for failure to carry insurance. He believed all parties were agreeable with this language. For section 1.1.3, termination without cause, the only comment on this section is if 90 days is too short of a time to find replacements.

Mr. Snure has no objection, but the pool district may need more than 90 days to deal with a termination from the City side, so perhaps 120 days might be a better timeframe.

Commissioner Seal would be in favor of a longer time period.

Clerk of the Board Kruller asked for consensus from the Board to approve 120 days, and the Board agreed.

Commissioner Robertson stated the next change is in Section 2.4, Support Services Cost. There is an agreement to delete the last sentence. There is a statement that reads that Support Services' estimated cost is approximately \$6,600 per month, and the agreement is to delete the part of the section that states: "nothing in this agreement limits Tukwila's ability to invoice more than \$6,600 per month." He is comfortable with this change.

Mr. Snure felt Section 2.4 is fine as it is presented and it relates directly to the bigger issue, which is in Section 2.5.

Commissioner Robertson stated that there are several issues in Section 2.5 and there was contention between the City and the pool on this. He wondered where the \$80,000 figure came from.

Ms. Cargill stated it was arrived at by multiplying \$6,600 x 12 months and rounding up.

Commissioner Robertson noted that the second sentence states that the costs for Support Services exceeding that annual maximum are to be absorbed by Tukwila.

Mr. Snure said that was the language presented, but there was an objection to it from the Assistant City Attorney, Rachel Turpin. This is an area where he needs to talk more with the City's legal counsel after getting direction from the Board. The general idea of this paragraph is that the pool district not be exposed to cost overruns without having the ability to step in and make decisions necessary to cut those costs. He understands the City's objection to the language that would make them responsible for cost overruns. Perhaps an agreed upon language where they are not allowed to exceed the maximum without express written approval can be created. That obviously could generate a point of contention down the road that would have to be resolved because the pool has to continue to operate.

He thinks he can refocus this paragraph into something that is acceptable to the City, making it more procedural to ensure that the pool district is aware when it is getting near to the annual maximum. If that happens in August for instance, the Board has the ability to decide if services need to be cut or give 120 day notice, whatever works to manage the cost of the contract. That was one of the items that he and Ms. Cargill heard from the Board is that they wanted more control over the cost exposure. With additional feedback from the Board an agreement can be reached with the City.

Commissioner Robertson clarified that Section 2.4 deals with the financial services costs and that is why he asked the question earlier about this report. It does not deal with the operational costs, is that correct?

Ms. Cargill stated that is correct.

Commissioner Robertson proposed the following change. In the first sentence near the end, insert the word "*financial*" in front of the word "*services*" so it is very clear. So, on the first line it would read "*Tukwila is authorized to invoice on a cost for financial services basis*".

Ms. Cargill felt that the proposed wording was acceptable, but suggested the wording "*support services*" as opposed to "*financial services*".

Commissioner Robertson further proposed changing the second sentence that says "*cost for support services exceeding the annual maximum are to be absorbed by Tukwila unless specific written approval is obtained in advance from the Executive Director and Board President to exceed the maximum amount.*" If that sentence is deleted, the way he understands the rest of the paragraph to read is, if those costs are going to exceed \$80,000, then the City has to notify the pool of that and discussions will be needed.

Mr. Snure agreed that Commissioner Robertson was reading the paragraph correctly and concurred with the proposal.

Commissioner Hougardy said that these changes are difficult to do without legal counsel attending. She does not feel that it is in the best interest of both parties to have a cost cap because it presents liability to both parties.

Commissioner Robertson agrees with Commissioner Hougardy; however, with the sentence referred to deleted, there is no cost cap. The statement reads that if it appears that costs are going to exceed \$80,000, then there needs to be a discussion on alternatives.

Mr. Snure added that to make it clear, add in that the \$80,000 would be a "soft" cap and cannot be exceeded without written approval of the pool district and that would trigger the negotiations. The pool district has the ability to say there were unanticipated costs, which should probably be clarified in that first sentence.

Board President Quinn feels that "*cap*" may be the wrong word to use. There are a lot of requests to be discussed at the retreat. He is more comfortable with a "trigger" than a cap and the Board needs to know what the real costs are so the information can be tracked.

Clerk of the Board Kruller reminded everyone that this is the first pass at the draft and it probably will not be resolved tonight. Walking through it at this meeting makes sense which gives Ms. Cargill and Mr. Snure an opportunity to hear the Board's feedback.

Commissioner Seal stated that her expectation was the Board would not be making any decisions tonight, but feels that Ms. Cargill and Mr. Snure understand the direction the Board is heading.

Commissioner Ekberg brought up the next change on Section 2.7. The very last sentence talks about TPMPD adopting City policies and procedures. He feels that whole sentence can be stricken because Section 5.0 speaks to that in greater detail.

Ms. Cargill stated that Section 2.7 refers to employee policies and Section 5.0 refers to pool operational policies and it would be outside of the realm of the Board's authority to impose employee rules.

Commissioner Robertson suggested inserting the word "*employees*" in that sentence so that it reads "*The TPMPD agrees to adopt and enforce the city's employee policies and procedures*".

Mr. Snure stated that change was fine, but would use the word "*personnel*" instead of "*employees*".

Commissioner Robertson continued on to the next change which would be Section 4.1 which is the Annual Operation Plan. It was his understanding that both parties agreed to that and he concurs.

Commissioner Seal commented that this forces the Board into operational issues; however, the Board is a policy board, not an operational board. For instance, Section 4.1.4, "*proposed annual operating budget including all operational expenses and expected revenue not to include capital expenses or TPMPD*"; who would decide capital needs? Where does that input come from?

Clerk of the Board Kruller stated that it says, "*Tukwila working in conjunction with Executive Director*"; can the Board assume Tukwila means the City of Tukwila? The City is going to work with the Executive Director to provide these operational plans to the Board to consider. This is an oversight process.

Board President Quinn stated that it is a full Board decision as to whether to move forward on a capital needs requests from the operator.

Clerk of the Board Kruller stated that part of the Executive Director's job is to keep an eye on the financial outlook so this needs to cross her desk at some point so she can keep the Board informed as to what is happening.

Ms. Cargill said that for the most part the things that are outlined in Section 4 are already being provided by the operator. They already provide the TPMPD with a budget.

Mr. Snure understands what the comments are and maybe some language is needed for better clarification. This whole plan is subject to approval by the Board. The Executive Director participates in that process to make sure the plan is consistent with what the Board wants.

Clerk of the Board Kruller stated that the Executive Director does not have approval authority; she only gives recommendations to the Board.

Board President Quinn said that clarity is good so everyone can follow the flow chart of procedures.

Clerk of the Board Kruller suggested that the Board might want to send this draft back to Mr. Snure and Ms. Cargill to figure out wording with more clarity or do we want to continue editing from the dais?

Commissioner Robertson feels the words are fine, but perhaps an internal pool policy would help clarify the Executive Director's position when working with the pool operator and that she gives copies of policies to the Board. He feels this agreement is pretty close to what the Board is requesting.

Board President Quinn agreed with Commissioner Robertson and stated that going over the possible changes is mainly to give Mr. Snure directions as to what the Board is thinking. The Board could ask that the operator communicate frequently to the Board about capitals needs.

Ms. Cargill asked for some clarification about what the operator needs to provide as far as budget and that it states it would not include capital expenses. She feels Section 4.1 does not relate to capital improvement.

Commissioner Ekberg stated Ms. Cargill is correct; it does not include capital improvements. He is comfortable with the language that anything that comes before the Executive Director, will also come before the Board.

Board President Quinn reiterated that clarity is important and it is stated clearly that it is annual operating budget and does not include capital expenses.

Commissioner Duffie is very satisfied with the agreement as presented.

Clerk of the Board Kruller asked for consensus that the agreement is fine for now and the Executive Director understands what the Board is looking for when the draft comes back before the Board.

Commissioner Robertson commented that Section 4.1.3 might involve policy and also staff development. So Section 4 will be jointly developed. He suggests it be left as it is stated.

Commissioner Robertson continued on with Section 4.2 with a question for the Executive Director regarding financial reporting. It asks for monthly, quarterly and yearly reports; which does the operator supply?

Ms. Cargill stated that the original version had monthly in both places and Assistant City Attorney Turpin suggested quarterly. Ms. Cargill's response to that was that monthly is already being done, so this would not be an additional cost.

Commissioner Robertson suggested that it be left the way it was originally written.

Board President Quinn feels there needs to be more discussion about these reports so there is more clarity from the operator, Mr. Snure and the Executive Director.

Commissioner Ekberg said that he is interested in monthly reporting; how this is done is up to the Executive Director to decide.

Mr. Snure stated that the monthly/quarterly debate can be settled between Ms. Cargill and the City. The agreement can be consistent and approved by the City when the agreement comes back before the Board.

Commissioner Duffie felt that the Board should follow Mr. Snure's suggestion.

Commissioner Robertson moved on to Section 5.0, Policies and Procedures. Ms. Turpin was concerned the TPMPD may adopt policies affecting how Tukwila provides services; however, in reading this he thinks Ms. Cargill's change in verbiage to "*subject to approval not being unreasonably withheld*" solves that issue.

Ms. Cargill clarified that Ms. Turpin's proposed addition relating to approval was not in the original draft. Her response to Ms. Turpin's proposal is that the approval would have to go both ways. She stated that if the City has to approve the Board's policies, then the Board should also have to approve the City's policies.

Commissioner Robertson stated that there is a significant amount of policies and procedures in operating the pool. As an example, if a citizen misbehaves in the pool, Rick Still makes the decision on whether that citizen is banned or not. He feels that should be the Executive Director's decision. There may be some policies and procedures that need to be discussed and the Board needs to have the option to do that.

Clerk of the Board Kruller offered the example of the Council's policies that took quite some time to update. She stated that Board Member Robertson brought this up in earlier meetings and that the proposal is that the Board reserves the right to make changes to policies that concern the pool.

Commissioner Seal feels that the operator should be entitled to have their own policies and procedures and that the TPMPD should not dictate policies to the operator

Clerk of the Board Kruller talked about possible safety issues, i.e., if a parent comes in and takes their child, but is not supposed to have that child, that's an issue that the Board may want to contract out for security. That would not necessarily be an operator issue.

Ms. Cargill addressed this because part of her role is helping find the line between policy and operations. The Board has the authority to set any and all policies relating to the operations of the pool. If there is a policy in place that the Board does not agree with, it has the power to create a new policy. What this agreement is saying is that a new suggested policy has to be discussed and agreed upon.

Board President Quinn would prefer that more collaborative language be used in the Interlocal Agreement (ILA). For instance using words like "alignment" in the policies and priorities between the City and the TPMPD.

Clerk of the Board Kruller stated this is going to be a long process and so if we can find the proper words that would be the way to go.

Mr. Snure said that he believes the language, as drafted with Ms. Turpin's comment, provides a reasonable way for the parties to continue to work together.

Clerk of the Board Kruller called for nodding approval from the Board to move on with the next item in the agreement and there was consensus.

Commissioner Robertson moved on to dispute resolution, Section 6, and stated that Ms. Turpin said she did not want to go to mediation. If it could not be solved internally, she prefers going to court or dissolving the relationship. Ms. Cargill prefers mediation to keep it out of court so that it would not turn into the Council versus the Board.

Mr. Snure feels that Sections 6.2, 6.3 and 6.4 are really just an outline of the arbitration process and are designed to be internal. He has not had an opportunity to discuss this with Ms. Turpin about whether her objections were specific or general.

Ms. Cargill stated the original draft that the TPMPD attorney and she crafted includes all the language in Sections 6.1, 6.2, 6.3 and 6.4. Ms. Turpin's recommendation is that Sections 6.2., 6.3 and 6.4 be deleted and just stay with the first section. Mr. Snure and Ms. Cargill decided that if those were deleted, any dispute resolution would happen with the Board as a body wearing both the Commissioner hats and Councilmember hats simultaneously. So the question before the Board is whether or not the Board is agreeable with the recommendation to strike those sections as Ms. Turpin is requesting?

Commissioner Duffie feels this should go back to the attorney and the Executive Director and they can bring it back after they have worked it all out.

Commissioner Seal agrees that there should be some sort of process in place and she would leave that to Ms. Turpin and Mr. Snure to work out.

b. Facilities Use Agreement approval (per agenda amendment on page 1).

In consideration for allowing the TPMPD to use the Council Chambers for the monthly meetings and the Hazelnut Conference Room for Committee Meetings, the City of Tukwila would like the TPMPD to approve and sign a Facilities Use Agreement. The agreement and exhibit have been reviewed and approved by the City's Attorney and the TPMPD Executive Director and Attorney

Ms. Cargill stated that the City would like the Board to sign this agreement for using the Council Chambers and the Hazelnut Conference Room for meetings. There is no fee, but it is something that needs to be on paper.

Mr. Snure voiced his approval of the proposed agreement.

Clerk of the Board Kruller thanked Mr. Snure for his participation and the phone conference with Mr. Snure ended.

Commissioner Seal said that she had reservations about not having Mr. Snure physically at the meeting tonight and requests that there be a legal representative at every meeting.

Commissioner Ekberg feels having a conference call is sufficient.

Commissioner Duffie would prefer to have a person at the meeting.

Board President Quinn feels the conference call worked, but would prefer a presence at the meeting.

Clerk of the Board Kruller said that according to Roberts Rules of Order, Mr. Snure is not part of this body and he can phone in. For the record, the Board would prefer to have a person attend the meeting.

MOVED BY ROBERTSON, SECONDED BY DUFFIE TO AUTHORIZE THE BOARD PRESIDENT AND THE CLERK TO SIGN THE FACILITIES USE AGREEMENT BETWEEN THE CITY AND THE TPMPD. MOTION CARRIES 7-0.

c. Executive Director Committee Report.

The Executive Director Committee (EDC) held its first meeting on March 4, 2014. Future meetings will be held on the 2nd Thursday of the month from 5:30 p.m. to 7:00 p.m. in the Hazelnut Conference Room at Tukwila City Hall. The meetings are defined as work sessions and the public is welcome to observe; however the meeting agenda does not include time for public comment. Members of the public are invited to suggest agenda items by contacting the Executive Director any time before 5:00 p.m. the Wednesday prior to the meeting. Once approved, the summary minutes will be posted on the TPMPD records site.

Ms. Cargill stated that this was the first committee meeting and the summary minutes are provided. The committee will continue providing this in the "Reports" section of future meetings.

Commissioner Robertson said the only thing he would like to see is if the committee makes a decision or decides not to make a decision, he would like that reflected in the EDC minutes.

d. 2014 planning calendar distribution to include proposed 5/31/14 date for Board Retreat.

A long-term planning calendar was developed by the operator for the benefit of the Board of Commissioners. The operator has since turned that calendar over to the Executive Director who will maintain the calendar on behalf of the Board. One item in particular that the Board Members need to decide on is the date of the annual Board Retreat. The EDC has recommended a date of May 31st for this all-day planning session.

Ms. Cargill stated that this item is mostly informational and suggests a date for the Board Retreat.

Commissioner Duffie asked if a location had been decided on.

Board President Quinn said that there is no location yet, but it was important to get the date set first.

Commissioner Hougardy clarified that the retreat is not on Memorial Day weekend.

Commissioner Ekberg stated that earlier tonight the Board talked about one of the goals was reviewing governance and that there is now going to be a process for it. He asked if the Board want to track things like that on the calendar. Another thing that was talked about was doing some RFP work this year.

Board President Quinn agreed that tracking it on the calendar was possible, but that there would have to be some more decisions and discussions before topics could be put into the calendar.

Ms. Cargill stated that she has a list of possible topics for discussion at the retreat and RFQs or RFPs are on that list.

Commissioner Hougardy spoke about the timeline for change in governance; it is noted and will be discussed with the EDC.

Commissioner Robertson feels the RFQ, the RFP and the governance should show up on the timeline; they do not have to have dates, but they should be noted.

Clerk of the Board Kruller agrees with Commissioner Robertson.

Board President Quinn commented that one of the Executive Director's primary responsibilities is the RFQ and RFP process. The Executive Director needs to continue to have time with the Board so she knows where the Board is headed. He agrees that eventually they do need to be on the calendar.

Commissioner Robertson asked for those items to be put on the calendar so they would not be dropped.

Commissioner Ekberg spoke about the budget. In August, the Board will be working on the preliminary budget along with programs, fees and direction. He would like to discuss the program and fee structure before the budget is delivered because one drives the other.

Board President Quinn feels there is a need for clarity about what is being asked of the operator.

Commissioner Ekberg stated that the operator has implemented a program in the past without the Board's knowledge. There may be programs that need to be implemented earlier than August, so this is why he is bringing it up now.

Commissioner Robertson said he is hopeful that with the hiring of the Executive Director, things like implementing programs without prior consent will not happen again.

Board President Quinn feels this discussion is helpful for the Executive Director. These are process changes that needed to happen.

Clerk of the Board Kruller stated that the Board needs to be specific, but that it could do some things a month earlier in July instead of August.

e. Discussion on Tukwila Pool Metropolitan Park District specific email addresses.

The TPMPD is subject to RCW 42.56 of the Public Records Act, and therefore is required to provide copies of all public record documents upon request. State law provides that all correspondence sent to the Board (by any means, including email) is a public record. Certain records, such as personal information, may be exempt from disclosure. Therefore, any correspondence relating to TPMPD business sent to the Board of Commissioners (by any means, including email) by any member of the public will be disclosed to any person who makes a request, unless exempt from disclosure under state law. Currently, TPMPD Commissioners are using City of Tukwila or personal email to conduct TPMPD work. Additionally, there is no specifically identified, intuitive communications channel for community members to use for directly contacting the TPMPD Board in their capacity as Commissioners. This is confusing, and presents a barrier to the public, resulting in a lack of direct access and transparency to the governing body of the TPMPD.

Clerk of the Board Kruller feels this is important. Commissioners do not have to have one if they so choose.

Commissioner Robertson is in agreement with this and no one should have access to these emails.

Commissioner Ekberg inquired as to how the Commissioners would access their mailboxes.

Clerk of the Board Kruller has been advised that when she accesses a server remotely, nothing is downloaded to the device during that session. If that happens, the device that it was downloaded on now becomes open to the searches. Webmail should be accessible from anywhere. She is still not clear on how this is going to work.

Ms. Cargill stated that the "how" has not been decided yet. The City is willing to provide a tukwilapool.org address, or it can be delayed and be part of a larger package of setting up a separate MPD website and be attached to that. These are decisions that have not been made because the decision whether or not to establish email addresses for Commissioners has not been settled yet.

MOVED BY QUINN, SECONDED BY HOUARDY THAT THE TUKWILA POOL METROPOLITAN PARK DISTRICT ESTABLISH SPECIFIC EMAIL ADDRESSES FOR SPECIFIC USE, WITH A FRIENDLY AMENDMENT THAT THE EXECUTIVE DIRECTOR RETURN TO A FUTURE MEETING WITH OPTIONS FOR APPROVAL.*

Commissioner Robertson said when solutions are brought forward for consideration that cost, storage and accessing history will be considered, along with device uses to access email.

***MOTION CARRIED 7-0.**

f. Next meeting is April 23, 2014.

MISCELLANEOUS

Commissioner Ekberg would like to know about how the maintenance is being done at the pool and who is responsible for it. He would like to see a maintenance plan, if one exists and if not, one should be made and carried out.

Commissioner Duffie feels there should be a daily schedule of maintenance. There should be someone in charge of maintenance of the pool inside and outside of the building as well.

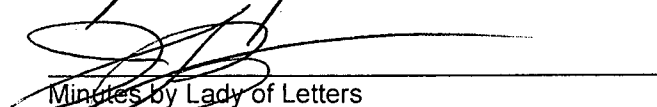
Board President Quinn stated that between the Executive Director and himself, they can get an answer to this issue.

ADJOURNMENT

8:50 p.m. MOVED BY SEAL, SECONDED BY HOUARDY THAT THE TUKWILA POOL METROPOLITAN PARK DISTRICT MEETING BE ADJOURNED. MOTION CARRIED 7-0.



Kate Kruller, Clerk of Board of Commissioners



Minutes by Lady of Letters

Reviewed/edited by Jennafer Price Cargill, Executive Director