

TUKWILA POOL METROPOLITAN PARK DISTRICT

April 23, 2014 – 5:30 p.m.
Council Chambers – Tukwila City Hall

BOARD OF COMMISSIONERS REGULAR MEETING MINUTES

CALL TO ORDER/PLEDGE OF ALLEGIANCE

Board President Quinn 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

Board President Quinn called the roll of the Board of Commissioners. Present were Commissioners Joe Duffie, Dennis Robertson, Allan Ekberg, Verna Seal, Kathy Hougardy and Kate Kruller.

TUKWILA POOL METROPOLITAN PARK DISTRICT OFFICIALS

Brian Snure, Park District Attorney; Jennafer Price Cargill, Executive Director.

CITIZEN COMMENTS

Sumaya Shanle, 15405 Des Moines Memorial Drive, #B204, Burien, voiced her support for the single gender swims at the pool and thanks the Board for their efforts in keeping this program.

Commissioner Robertson asked if the speaker was concerned about the single gender swim program being cancelled and whether or not she was aware that the Board supported the program and that it is not being considered by this body for elimination. He explained there was a policy presented to the Board from the Parks and Recreation report to discuss and possibly adopt policies, but cancelling the single gender swim was not part of that report.

Commissioner Hougardy wanted to assure the speaker that all comments are welcome.

Commissioner Kruller stated that most programs offered by the pool are not currently defined by TPMPD policies including the single gender swim, but there has been no reason to change the single gender swim or to make a policy relating to that program. She thanked the speaker for voicing her appreciation for the program.

Commissioner Robertson agreed that the entire Board made the decision to leave the single gender swim as it is and there is no interest in changing the program.

Board President Quinn confirmed that the Board had affirmed the single gender program and there is no intent to reconsider that decision.

Monica Davalos, 3700 Southcenter Blvd., #116, is here to support the policy to have materials printed in three top languages that are the most common in the Tukwila School District. She feels this is a good step from the Tukwila Parks and Recreation Department.

Rosario Santiago, 10224 37th Avenue South, #104, (translated by **Virginia Herrera**), also wants to support printing materials in three different languages. She feels this is important for citizens of the community who are non-English speakers.

Virginia Herrera (no address given), thanked the Board for its support of the community and feels the new policies are great for the community. She wanted to reiterate that drowning is the second leading cause of injury of children. Taking formal swimming lessons is associated with an 88% reduction in that risk. She also wanted to remind the Board that it's difficult to stand before them to speak. Even though things are being said that have been said before, there's a reason why it's important to say it again.

Commissioner Duffie stated that all should feel free to talk to the Board because the Board represents everyone. All feedback and opinions are welcome as that helps the Board become aware of possible issues in the community.

Commissioner Kruller said that the Commissioners are neighbors of the citizens and that the members ran for their positions to be representatives of their neighbors.

CONSENT AGENDA

a. Approval of Minutes: 3/26/14 (Regular)

b. Approval of Vouchers:

April 7: #365909 and 365970 in the amount of \$10,369.68

April 21: #366037, 366094, 366097, 366127, 366155 and 140300 in the amount of \$11,899.94

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

REPORTS

a. Commissioners.

Commissioner Ekberg reported that the Tukwila April Pool's Day Event was well attended.

Commissioner Hougardy also attended the April Pool's Day Event and met representatives from other agencies such as Seattle Children's Hospital and Seattle/King County Public Health and a photographer from KING 5. She explained they visited the Tukwila Pool to do a story about the great work they have done.

Commissioner Kruller had a wonderful time attending the April Pool's Day Event. She was pleased with turnout and with the staff's efforts.

b. Executive Director.

Ms. Cargill submitted her written report and was available to answer questions.

Commissioner Ekberg asked about the meeting with Washington Cities Insurance Authority (WCIA) for initial audit and would like some background on what that would entail.

Ms. Cargill stated that TPMPD is now a part of the WCIA Insurance Pool and an initial audit is part of setting that up. She will be the official liaison for the MPD with insurance matters and attend trainings supported by the insurance agency.

c. Executive Director Committee Report.

The Executive Director Committee (EDC) agenda and summary minutes (from the April 10, 2014 meeting) were presented to the Executive Director Committee for approval.

MOVED BY HOUGARDY, SECONDED BY KRULLER FOR THE MEMBERS OF THE EXECUTIVE DIRECTOR COMMITTEE TO APPROVE THE EDC MEETING MINUTES. MOTION CARRIED 3-0 (Ms. Price Cargill abstaining).

Commissioner Hougardy stated that the Committee had discussions about the website. Many of the other things discussed will appear in tonight's agenda.

Ms. Cargill reported that the website has been updated and is a brand new site.

Commissioner Robertson asked about the anticipated staffing plan in the minutes and wonders if the EDC has come up with additional questions or thoughts on the plan.

Commissioner Kruller responded that she still had questions and stated that she understood that the operator would run the pool with the staff currently employed minus the one staff on leave.

Board President Quinn spoke to Mr. Still and would like to gather questions from the Board that will be answered in the form of an email. After submission of the questions, Mr. Still could be asked to be available to answer the questions.

Commissioner Robertson is concerned about having the correct level of supervision and trained staff on hand. One of the supervisors is out on leave and he would like to know how this position is being covered now with others who have similar professional qualifications. Not having seen the plan, he was curious about whether or not it included details or was simply a statement of intention.

Commissioner Hougardy said that she would give Commissioner Robertson a copy of the staffing plan. However, she feels the Board is responsible for policy issues and staffing is an operational issue.

Commissioner Robertson stated that he wonders if there are minimum requirements for staffing and would like to know that those requirements are being met. He also feels that if there is an accident at the pool, the TPMPD will be the ones to be sued and not the operator, which is why this is a responsibility of the TPMPD.

Commissioner Kruller feels that copies of the staffing plan should have been distributed to the Commissioners during this meeting. She pointed out that there was no vote on the question of this Board being policy or operational nor did they collectively agree on what the definition of what operational is but the Board is still in charge of the operator running the pool. She would like an answer to the question that if an employee is on long-term leave, is that position being covered and is that person the same service level as the person on leave. This question is not operational and it involves costs. The Board has not received this answer yet.

Commissioner Robertson is still concerned that there is not adequate supervision at the pool during operational hours. He would like to have this answer sooner than in two weeks.

Board President Quinn stated that the Board was not going to find the answer of operation versus policy or get the answers to the questions they have at this meeting. He has asked Mr. Still if the staffing plan meets the safety concerns that were expressed at the last TPMPD meeting and Mr. Still responded that it does. Board President Quinn has also asked Mr. Still to follow up and provide the Board with more information as soon as possible. That will come sooner than two weeks and all Commissioners will get that information.

Commissioner Robertson also wanted to talk about "*ii. Process for approaching the governance transition*" which states the EDC concluded that a discussion on this topic would begin at the next TPMPD meeting during an executive session with the TPMPD attorney. He feels this would not be a subject that would qualify for an executive session.

Mr. Snure stated that whether or not items would qualify for executive session would depend on exactly what it is that would be discussed. Governance as a general topic would not qualify; but legal risk or liabilities of actions related to governance could qualify for executive session.

Commissioner Robertson referred to Item "*iii. The ED requested that the operator provide any existing plan or develop a plan showing, at minimum, the maintenance schedule and who is tasked to perform each item listed in number 18 of the current local agreement.*" He pointed out that the current maintenance plan does not have much of a descriptor of the people performing the tasks called out in the plan. He feels that there should also be two more columns, one being a date/time column and, one column for initials of the person that performed those tasks. He would like this request for additional information taken to the operator by the Executive Director Committee.

Commissioner Ekberg suggested that the discussion of the plan be postponed until later in the agenda where it is already scheduled as an agenda item.

Commissioner Robertson agreed and moved on to his next question about TPMPD responsibility for the safety of the public at the pool. The EDC would appreciate being kept in the loop about any safety concerns as well as Mr. Still. The EDC agrees that the TPMPD is responsible for providing a safe pool. Commissioner Robertson agreed with the EDC's assessment.

Commissioner Duffie asked for some clarification from Commissioner Robertson concerning his comments about the safety issues and lifeguard qualifications.

Commissioner Robertson stated that lifeguards are not qualified to do the job of an Aquatics Director for instance or may not be qualified to perform supervisory duties. He just wants to ensure that the levels of necessary qualifications are present at the time they are needed to avoid unfortunate events.

Board President Quinn feels that the level of information given may not be what the Board needed. He felt that the Board should provide direction to the EDC to come back with what the Board feels is necessary information to ensure that properly qualified people are performing the jobs needed to ensure safety and proper maintenance at the pool.

Commissioner Duffie would like to know exactly what qualifications the Board wants to see in lifeguards and maintenance workers.

Commissioner Ekberg had comments about the EDC minutes. The first one is about the suggestion box, item 18. The last sentence says "*additionally the EDC would like the operator to provide information about these changes to the Board.*" As a point of caution, the operator needs to be transparent and communicative back to the Board so the Board knows what changes are taking place that may have negative consequences. Under item C, the second to the last sentence says "*the EDC would like to be cc'd on all communications of this nature.*" One of the Board's goals is to have a safe, operational pool so it is vital that the EDC be made aware of these communications.

Commissioner Kruller related an incident recently at the pool where a citizen almost fell on the deck and the citizen suggested that a cone be put there to warn people that a particular spot is slippery. The upshot of this is that it took five days for that to be accomplished. This indicates a lack of communications protocol for safety remedies being implemented quickly.

Commissioner Robertson stated that he is concerned about the operations and the risks to users. He is also concerned about the liability to the TPMPD and day-to-day operations. Having the pool staffed with the appropriate professional level of personnel is important to both the TPMPD and the citizens.

Commissioner Hougardy, referencing the beginning of this discussion, feels there has been little headway made on these issues. It's important to remember that these are opinions or concerns and debate is not really necessary.

Commissioner Ekberg said the issues he is concerned with all relate to communications. He pointed to the example of the pool operator negotiating directly with the Tukwila School District for student use of the pool in the next school year. He feels these kinds of communications should go through the Board via the Executive Director. These communication issues need to be solved.

d. Operator: Community Transformation Grant memo, including policies.

Commissioner Ekberg stated that on page 7 of this memo it reads "*staff is working with the Tukwila School District and the MPD Executive Director to develop a pool use agreement.*" He asked the Executive Director about this process and the progression of this agreement.

Ms. Cargill stated that she has not been included in the discussions so far.

Commissioner Ekberg felt that this indicated an inaccuracy in the Operator's report.

Vanessa Zaputil, 15171 52nd Ave S., gave some background behind the Community Transformation Grant. The City of Tukwila applied for and received a grant from Seattle Children's Hospital to develop the

four policies outlined in the memo. It appears these policies have been adopted by the City and the TPMPD without soliciting any input from TPMPD. The Sustain Tukwila Pool Committee has several concerns which include:

- The Tukwila Pool is not a City asset, so directing a policy dependent on another municipality without discussion with the municipality does not seem correct. Therefore, language changes are necessary.
 - Suggested changes for 700.02.01, "*Each school year in September, Tukwila City Parks and Recreation will offer a voucher for use at swimming facility as designated by Tukwila City Parks and Recreation.*" This would allow Parks and Recreation to work with the YMCA and other organizations.
 - Suggestions for 700.02.02.04, "*references to Tukwila Pool staff*" should be changed to the Parks and Recreation staff.
- Secondly, the third grade voucher program has no budget limitations or restrictions. According to OSPI, last year there were 222 third grade students in the Tukwila School District alone. At \$55 cost per session, that is a budget impact of \$12,210. There is no estimate of how many other third graders are living in Tukwila. The cost of this program and how it is being funded needs to be vetted and documented. Reasonable attempts to notify all third grade students of this program should be made.
- The Youth Guard Start Policy commits TPMPD, which is not a City owned asset, to a City policy. The title on this policy should read City of Tukwila Lifeguard Training Class. The Youth Guard Start policy has no budget limitations or restrictions. Volunteer hours do not necessarily make up for the cost of this program because the pool still must remain adequately staffed. There should be a definition of what participants are required to complete before they enter this program. Currently there is only vague text. The Youth Guard Start Policy has no provision to reach out to other students not enrolled in Tukwila School District. 700.03.03, the cost of this program and how it is paid for needs to be worked out to include costs, not just tracking and setting goals.
- These policies are owned by the Parks and Recreation department and these will become City policies. If the City is no longer operating the pool, will the City reimburse the TPMPD for the associated cost of these City policies?

The Commissioners will receive a copy of the above questions. She feels there is much that needs to be done and the Commissioners should direct the EDC on specific concerns giving them direction regarding these policies and the ramifications for accepting and implementing them.

Commissioner Kruller does not believe the Board has been asked to make a decision on these policies tonight. However, the Board needs to signal the City that any policy written by them that costs the TPMPD money is not authorized unless it is called out in the contract. She recalled that this grant was awarded to go look at policy potentials and spend time thinking them through, but it did not mean that the Board had to pass any of them. However, this material seems to indicate that these policies have already been passed by the Operator. What she expected was a document full of proposed policies and the City and the TPMPD would go over them, change what is possibly needed and then pass the policies.

Commissioner Hougardy believes that these policies are proposals and not finalized.

Commissioner Seal said that these policies were considered in the Community Affairs and Parks (CAP) committee. In the committee meeting there were two policies that did not apply to the City and needed to be dealt with by the TPMPD Board. She understands that there may be more information needed and requested that the Board spend more time considering these proposals and go from there.

Commissioner Robertson agrees with Commissioner Seal that this item was discussed at a recent CAP meeting. At that time, City staff wanted to discuss only the first two policies and that the other two should be reconsidered and brought to the EDC and then the TPMPD Board.

Ms. Cargill drew the Commissioners attention to page 8 of the operator's report, under the heading "*Community Transformation Grant*", where the next to the last sentence reads, "*four policies were*

developed, two of these policies will be brought to the MPD Executive Director Committee in May as they have potential impact on the MPD”.

Commissioner Kruller acknowledged that the sentence implies there are steps, but the memo does not outline the steps. She believes it would have been helpful if a representative from the City could have walked the Board through this memo to receive feedback.

Commissioner Duffie feels these items should go through committees and then be presented to the Board. He did not believe discussing these policies now is the best use of the Board's time.

Commissioner Robertson stated that these items were brought to Community Affairs and Parks Committee not for discussion and input, but were for information purposes only. These policies are administrative in nature and will not be brought before the Council. The document says that four policies were developed and two will be brought to the TPMPD Executive Director Committee for input in May.

Board President Quinn said that some Commissioners are correct in stating that the operator's report was information only and there was no agreed upon process. This Board has to figure out a process that they will be comfortable with and that will enable the process to work. The EDC is not the place where policies are passed but that anything recommended by the EDC would be put forward to the Board for approval.

Commissioner Hougardy stated that this was a policy so it is definitely within the Board's purview. Even though it is a City policy, their policies need to align with the TPMPD policies. She would have been more comfortable if this document had the word "draft" across it or had not been signed.

Commissioner Ekberg would like to go to page 8 of the operator's report, "*World's largest swim lesson*", what a fantastic idea. He would like to know who funds this program. Communication is the answer here; he supports the idea, but wants to know the financial impact. He is glad to see the numbers on the budget on page 9, but the Board needs a way to look at each program to see which ones are performing and which ones need to be looked at more closely.

Board President Quinn would like the Board to agree on when they would like to have the operator present to work through items while being conscious of the money being spent. An agreement needs to be made that as the meeting progresses through the reporting section, if something rises to the level of concern and everyone agrees that it is a concern, then it needs to be noted for further action.

Commissioner Kruller would recommend that it be dealt with as a consent calendar item; if it is an easy subject to pass and the Board agrees, then it passes. If the Board has questions, then there should be someone there to answer those questions. The difficulty is the time delay to get the answers and that is one of communication problems.

Board President Quinn feels there is a value to having the operator present for this discussion. The Board needs to communicate their needs to the City as far as having personnel present to talk about their report.

Commissioner Kruller questioned whether the Board should be charged for overtime if a salaried person is the one attending these meetings.

Board President Quinn stated that the Board has not been clear on whether or not to have a City employee at these meetings.

Ms. Cargill says that she asked Mr. Cline if the City will be charging his time to the TPMPD as a general practice because the City declined to charge for his time in February. Mr. Cline did not provide an answer at that time.

Commissioner Seal stated that this Board is still a young Board trying to find its way through and feels it is important to have a representative from the City at the meetings.

Commissioner Hougardy agreed that a representative should be present.

Board President Quinn feels that since the City operates the pool, and there is a level of support needed to the Board for it to do its work, there needs to be some representation in some form and then the questions about billing can be asked at that time.

Commissioner Duffie says the Board is here to make decisions and whatever it takes to do the business of the Board should be done.

Commissioner Robertson would support having someone from the City that has direct contact with the pool at the meetings.

Board President Quinn stated that all the Board Members agreed that they are comfortable with having a representative, who is in direct contact with the pool operation, be present at the meetings.

Commissioner Kruller added that it may be appropriate to have more than one representative as there may be other questions, such as negotiations, that the City may not be able to answer.

Ms. Cargill wanted to know if the Board would leave the decision on who to send to the meetings to the operator.

Board President Quinn stated that he would follow up with the operator to make sure the proper representative will be chosen.

e. Financial and Support Services.

- February financial report
- March support services detail

Commissioner Robertson asked the Executive Director about the sign offs on these reports and he wants to ensure she is in the loop with all the budget items. He feels that these reports from the Operator should be going through the Executive Director prior to coming to the Board.

Board President Quinn asked the Executive Director if she is in the loop with these reports or if she just prints them for the Board.

Ms. Cargill said that she receives a PDF of these reports and ensures the Board gets copies, but generally, there is no discussion beforehand. She has, on some occasions, discussed questions that she had on the financial report, but this month, she did not have any questions.

Commissioner Kruller suggested that perhaps there is someone from the Pool Operations side who could sit in a meeting with the Finance staff and the Executive Director before these meetings to explain the numbers and what is being submitted in order for it to be conveyed to the Board.

Commissioner Seal had a question on page 23, the *Support Services Summary*. She would like to know how the minutes are being prepared. Are they still sent out to Lady of Letters and if so, is there a charge?

Ms. Cargill responded that Lady of Letters does receive the audio of the minutes and there is a charge for transcription of the minutes. Ms. Cargill receives the transcript and makes any corrections before it is sent out to the Board.

Commissioner Seal asked about where that charge is listed in the budget; where does that line item show up? Is that part of our contract with the City?

Ms. Cargill responded that the TPMPD is billed separately for that service, but she will have to check to see where that item is billed.

f. Tukwila Pool Advisory Committee (TPAC).

- TPAC Chair report and minutes

Vanessa Zaputil, Vice Chair of TPAC, gave the report. Tonight the Board has the Chair's report from the April 5th meeting. There is a recommendation regarding student participation. The Committee reviewed its initial recommendation and is coming back to the Board with options. The first option is the original recommendation which suggests the expanding of the regular voting members by one, which would remain at five voting members and include up to 4 non-voting student members, and this is the preferred option. The other recommendation is to expand the TPAC Committee to include six voting members and up to two voting student members. There was also a discussion about doing an event such as a barbeque or similar event that would help create more community interest asking if that is something that the TPMPD would support. The next meeting will be Saturday, May 3rd at 8:00 a.m. at the Tukwila Community Center and all are invited.

Commissioner Seal asked if it would be possible to have a draft of the TPAC minutes, particularly if the Board is expected to discuss items reflected in the minutes.

Commissioner Kruller remembered that she is part of an email chain for the minutes as the Clerk. She is enthusiastic about the barbeque idea. She also brought up the recommendations in the minutes and what the process is to get them acted upon.

Board President Quinn asked and recognized that there was support of the barbeque event from the Board.

Ms. Zaputil wanted to be clear that the barbeque event was brought up to see if the Board had any interest in doing this and, if so, the Committee will come back with a proposal in coordination with the operator.

Commissioner Duffie asked if Ms. Zaputil wanted an answer to a student being on the Committee or has it been decided.

Ms. Zaputil said there was no decision at this time. It is just a recommendation that would have to go through the Board's process.

Board President Quinn inquired as to the timeline TPAC is looking to have an answer.

Ms. Zaputil believed they would send the recommendation to the EDC for their meeting in May and come back before the Board by the end of May.

Ms. Cargill reminded the Board that the TPAC resolution has already been drafted and she only needs their approval to revise the section relating to membership to reflect one of TPAC's recommendations. There is no reason for it to go to the EDC again unless the Board feels it is necessary. There needs to be a decision about which recommendation the Board wants in the resolution.

Board President Quinn said that it appears the Commissioners are comfortable with the resolution coming directly back to the Board.

Commissioner Kruller asked about the elections coming up for TPAC and wanted to know if that is just an internal vote.

Ms. Zaputil stated that the TPAC election is an internal process.

Commissioner Ekberg stated a decision needs to be made on which of TPAC's recommended options to choose in order to get it drafted before the May meeting.

Board President Quinn stated that if the Board wants to discuss these two recommendations concerning TPAC membership, the decision on which will appear in the resolution can be accomplished by consensus of the Board. He stated the two choices are:

1. TPAC's original recommendation of five regular voting members and four non-voting student representatives.

2. TPAC expanded to include six regular voting members and up to two voting student representatives.

Ms. Zaputil explained that the second option is six regular voting members and, in addition to that, two voting student representatives, which makes a total committee of eight voting members.

Commissioner Seal feels that with eight voting members, it would be difficult to break a tie vote. She would be in favor of increasing to five or to seven with the additional two students.

Commissioner Kruller stated that, in her experience in attending TPAC meetings, she has never seen a split vote. She suggests that perhaps Ms. Zaputil could explain why they chose the 6-2 configuration.

Ms. Zaputil explained that the committee discussed that question at great length and decided that there was no configuration that would guarantee an odd number of voters at any given time.

Board President Quinn asked for consensus in having the second choice (as listed above) in the resolution and having it come before the Board at the next meeting. After discussion there was Board consensus with option 2 of the TPAC recommendation.

7:40 p.m. Board President Quinn declared a brief recess.

7:45 p.m. Board President Quinn reconvened the Board meeting.

BUSINESS ITEMS

a. Interlocal Agreement draft with revisions from Commissioners.

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. At the March meeting, the Attorney and Executive Director provided a draft agreement that included the requested edits. The second revision of the draft agreement was drafted in response to additional comments and it has been provided to the Assistant City Attorney and the City Administrator for preliminary review.

Mr. Snure stated that based on the discussion tonight, there will be some additional changes that he would like to make to this agreement. There should be a provision about communication and how this agreement is administrated. On other issues such as staff operations report; there could be language in the agreement that makes it clear that having an operator representative at the meeting is a service that is being offered by the City. At the last meeting the primary issues were Section 2.5, Section 5 and the section on dispute resolution.

In Section 2.5 the issue was about cost control. The City was reluctant to have language in here about the City absorbing cost overruns, so he approached the issue as more of a check and balance. Since both the City and TPMPD receive the monthly budget reports, surprises are not likely. The language he designed in here will allow discussions between both parties should there be any cost overruns.

Commissioner Seal asked if the City of Tukwila City Attorney reviewed the changes.

Mr. Snure responded that no, the City has not officially reviewed or commented on the draft as he was looking for the Board's input first.

Commissioner Kruller wondered if the approval for spending should be done by the Board instead of how it is listed to be done now.

Mr. Snure said he was agreeable with that if that is what the Board wishes.

Commissioner Kruller wants the Board to authorize the Board President and the Executive Director to approve additional spending.

Commissioner Ekberg is supportive of what he has heard about having Board approval. Additionally he is curious about how costs are being tracked.

Ms. Cargill directed the Board's attention to the Finance report under Administration/Overhead, Item 51, Interlocal City Fees. As shown in February's report, \$4,478 was spent for that month.

Mr. Snure will revise Section 2.5 of the Interlocal Agreement to read "...advance written approval from the Board." The Board can then direct the President to sign the approval.

Board President Quinn, in referring to Section 1.1.3 on page 33, said he recalls that the 120 days was something the City was supportive of and was not in dispute. Mr. Snure agreed.

Mr. Snure moved on to Section 2.7 where a small change was recommended; the wording was adjusted to reflect that the Board does not have the authority to "enforce" the City's policies, but has the authority to adopt and follow them.

Section 5 relates to the policies and Mr. Snure believes that there should another adjustment in language balancing the City's role in policy making with the TPMPD Board's role. The concept has to be a two-way street. So, if the Board adopts a policy that has a direct affect on the City's working conditions, they have the authority to either approve it or not. This would be balanced by the need for the TPMPD to have the authority to approve any City policies that have a financial impact on the TPMPD.

Relating to Section 6, Mr. Snure believes the Assistant City Attorney wanted to try and solve problems internally before talking to mediators and arbitrators. That was implied before, but Mr. Snure has made it more specific and that's the language added. The rest of the language put back were things that were deleted. If a problem cannot be worked out, then the mediator is called in, then it goes to arbitration and that outcome will be the final decision as that is what it is designed to do. This method of dispute resolution has been developed over the years and seems to work well.

Commissioner Robertson asked who makes the decision to move into mediation, arbitration or potentially judicial review.

Mr. Snure answered that the Board of Commissioners would make that decision.

Commissioner Hougardy would like to hear Mr. Snure's comments on the possibility of this section creating a conflict of interest.

Mr. Snure stated that this would be something best discussed in executive session.

Commissioner Seal, referring to one version of the last draft of the agreement from the previous meeting that included comments from the Assistant City Attorney, on page 37, section 4.1.3, the City suggested striking that language, but it reappeared in the current draft. She is referring to the first 4.1.3 which reads; "*proposed use of customer satisfaction goals and system for collecting and measuring data and progress towards said goals*". The comment from the Assistant City Attorney stated "*This is more policy than operations, it would be more appropriate for MPD staff to do this.*"

Mr. Snure commented that he had brought that language back in after speaking with Ms. Cargill and this has not been discussed with the City's attorney. The language in 4.1 "*Tukwila working in conjunction with the Executive Director will come up with these.*" addresses this concern and he felt this was an important part of a work plan.

Ms. Cargill reminded the Board that at the last meeting there was much discussion about this as to whether to leave it in or take it out and the Board generally agreed to leave it in.

Board President Quinn asked for consensus from the Board and they agreed to leave the language in.

Mr. Snure also plans to add a provision about the administration of the agreement by the Executive Director and City Administrator under General Provisions. He will also insert language about property ownership and that this agreement does not change ownership of property.

Ellen Gengler, 13727 Macadam Road S., wanted to speak about Section 5 of the Interlocal Agreement draft that has been presented. The Sustain Tukwila Pool Committee is concerned that the proposed language changes would permit the City to disallow a policy that TPMPD proposes, but the TPMPD does not have the same power. They support language that gives the TPMPD the same authority.

Board President Quinn suggests the next step in the Interlocal Agreement process would be to have Mr. Snure get the City's formal feedback and bring those comments back to the Board. The Board agreed.

b. Operator's Maintenance Plan.

The Board requested staff provide information on the list and frequency of maintenance tasks performed at the Tukwila Pool as part of operations. Included in the agenda packet is the Facility Maintenance List that details the frequency of the contracted maintenance to operate the Tukwila Pool.

Commissioner Seal indicated that the information contained in this plan was what was requested. If there is more information required, that needs to be communicated to the operator.

Ms. Cargill requested an existing maintenance plan from the operator or something that lists the frequency of maintenance tasks performed and who performed it. If there is more information the Board needs, she will request it.

Board President Quinn was pleased with the information as presented. It was exactly what was requested by the Board. If there are more questions, they need to be put in an email and sent to the operator for answers.

Commissioner Kruller is satisfied that the Board received what they requested from the operator. She would also like to see a bit more detail in the schedule of when the maintenance tasks are performed.

Board President Quinn said the Board had asked and received a list of tasks and the frequency on which they are done. If the Board would like to have more information, there needs to be consensus about what the required information is going to be.

Commissioner Duffie said that the operator should have a standard operation maintenance list of all the tasks they are required to perform and that should be the information the Board should receive.

Commissioner Robertson wanted to differentiate between a list of maintenance tasks and a maintenance plan which is what Commissioner Ekberg requested. What the Board received is a list of tasks, the frequency and the skill level needed to perform each task. Commissioner Ekberg asked for a maintenance plan that assures the Board that the operator is performing proper maintenance of the pool at the scheduled times. He would like to see additional columns showing the date and time that maintenance is performed.

Board President Quinn asked again if there was consensus from the Board that they should agree on the type of information that they want to see from the operator.

Commissioner Duffie feels that the Board needs to recognize that lifeguards are not trained custodians or maintenance personnel and vice versa.

Board President Quinn agrees with Commissioner Duffie. The Board was not clear enough on what information they wanted to see concerning a maintenance plan for the pool.

Commissioner Ekberg stated that he understands from Mr. Still that his staff is responsible for maintenance. While attending the pool cover demonstration, Mr. Ekberg became concerned that the staff may not have all the training needed to ensure that proper maintenance is being done. Perhaps instead of the Board informing the operator what the Board wants, have the operator attend the meeting and give a brief presentation on standard operating procedures and how the tasks are accounted for on the list.

Commissioner Hougardy commented that she supports Commissioner Ekberg's suggestion of the operator attending a meeting.

Commissioner Kruller concurred with her fellow Commissioners. She suggested that documentation of the maintenance and a question and answer session could be beneficial to the Board.

Vanessa Zaputil, 15171 52nd Ave S., speaking on behalf of the Sustain Tukwila Pool Committee, stated the Committee reviewed the maintenance task list and appreciated the documentation provided because it gives a better understanding of the scope of work. The Sustain Tukwila Pool Committee recommends that the operator provide a monthly or quarterly report of the maintenance and repairs completed.

c. Preparing for the Board Retreat.

A Board Retreat has been scheduled on May 31st from 9:00 a.m. to 4:00 p.m. and the City of Tukwila is generously providing the Social Hall at the Tukwila Community Center free of charge for the Board's use. The Board President would like to provide advance notice of some of the topics that will be discussed during the retreat to give the Commissioners time to prepare comments on the proposed topics.

Ellen Gengler, 13727 Macadam Road S., stated that Ms. Zaputil is handing out copies of comments from the Sustain Tukwila Pool Committee in support of the comments that they've made tonight on the various agenda items. The Committee requests to add an item to the Retreat agenda, an RFP discussion to comply with RCW 35.61.135, a copy of which is also included in the packet. Competitive bidding, transparency and fiscal accountability directing an RFP for operations and contracted services as soon as possible should be a priority. Sustain Tukwila Pool would suggest the TPMPD Commissioners request the Executive Director to research the cost of a self-hired, self-contained TPMPD. This would result in a budget to hire employees, lifeguards, managers, etc. independently.

Commissioner Seal said that they would like to review all the agenda items to see how this recommendation could fit. She felt that the discussion could be handled via email.

Board President Quinn provided each Commissioner with three items which are: the KJ Design report, the assessment and recommendations from Ms. Cargill and last year's City's response to the recommendations. His suggestion was that the Commissioners be prepared to discuss these at the Retreat.

Commissioner Kruller asked if Board President Quinn is requesting a list of what the Commissioner's priorities are for the retreat.

Board President Quinn said the items he distributed are background information only. The main topics that have been set on the agenda are to review the KJ Design report, discuss the information that Ms. Cargill provided and the information the City provided.

Commissioner Robertson asked for reassurance that these items provided will be discussed at the retreat.

Board President Quinn stated that he has been referencing this material as a topic for the retreat and assured the Board that these items will be discussed at that time.

Commissioner Robertson asked if there was an estimate of the time that will be spent on this topic and whether anything else will definitely be on the retreat agenda.

Board President Quinn said the Board will spend significant time on the KJ Design report because the Board has not taken any formal action on the report. In addition, there has not been any feedback to the information provided by the City to give Ms. Cargill direction.

Commissioner Robertson wanted to know the last date for submitting items and whether the Board President decides what goes on the agenda.

Board President Quinn said he does make the decision, but with input from the Board. Additional suggestions are welcome too.

Commissioner Robertson asked for the cutoff date for suggested items.

Board President Quinn suggested the end of the month and first weekend of May.

Commissioner Ekberg pointed out that the new copies of the documents did not highlight which 12 items that the Executive Director found most important.

Ms. Cargill said the items are listed; however, she did not ask to have them highlighted this time. The Board can review a copy with the highlights included via the online version of the packet, or a copy can be emailed to the Board. The Board requested that a copy be sent to them via email.

Commissioner Ekberg also reviewed the February meeting minutes and said there were callouts that the Board asked the Executive Director to execute on behalf of the Board, which were allocation and replacement of equipment in capital improvement funds and ensuring there is a manager on duty during all business hours. One of the other tasks was to develop and implement a marketing plan.

d. Update on TPMPD email addresses.

At the March 26, 2014 TPMPD meeting it was unanimously approved to establish TPMPD email addresses for the Board. The TPMPD Executive Director met with City Administration and IT staff to discuss the next steps in implementation.

Ms. Cargill stated the next step is to give the Board instructions on how to access their email and the Commissioners should consider what device they are going to use to access their email.

Commissioner Kruller asked if the email is going to be accessible on webmail because she uses different devices.

Ms. Cargill is assuming it will be on Bluehost which could be accessed through any device.

e. Transfer of title approval.

Ms. Cargill said that the official transfer of title for the building has not yet happened from the City to the TPMPD. Vicki Carlsen, City of Tukwila Deputy Finance Director, took care of this and now it is before the Board. Does the Board want to approve this transfer of title?

MOVE BY EKBERG, SECONDED BY KRULLER TO APPROVE THE BOARD PRESIDENT AND THE CLERK OF THE BOARD TO EXECUTE THE ATTACHED INTERGOVERNMENTAL TRANSFER AGREEMENT AND THE BARGAIN AND SALE DEED FOR TRANSFER OF LEGAL OWNERSHIP OF THE TUKWILA POOL TO THE TPMPD.*

Commissioner Seal asked if this agreement had been reviewed by the City Attorney.

Ms. Cargill stated the agreement was provided to the Board by the City of Tukwila staff, but she cannot confirm that it was reviewed by the City Attorney.

Commissioner Seal referred to page 61 of the packet that reads on the fourth "whereas" it says "whereas the TPMPD was formed in 2011 with the purpose of maintaining and operating the Tukwila Pool for recreation purposes". She believes that language was taken from the King County ordinance and it is required to be in there. She was considering adding some language such as "for recreational purposes and maintained as a community pool" as the Board had discussed beforehand. She would like to have a copy of the King County Ordinance 34671 to circulate around to the Board. Referring to page 63, 3.1, "The TPMPD has inspected and knows the condition of the property," she asked if an inspection had been completed.

Ms. Cargill is not aware if an inspection has been done.

Commissioner Kruller commented that many inspections were completed by the City's inspectors during the overhaul of the pool. There have been many reports done so she would be reluctant to order another inspection.

Commissioner Duffie wanted to clarify that the agreement is for the pool facility and not the land.

Commissioner Ekberg suggested possibly changing the language in 3.1 where it reads "TPMPD has inspection and knows" to "The TPMPD is aware and knows the condition of the property and agrees to accept property in 'as is' condition".

Mr. Snure said the Board has operated the pool and maintained it for two years, so the inspection clause did not raise a concern. By operating the pool for the last two years, the Board already knows the condition of the property.

Board President Quinn suggested removing "The TPMPD has inspected" so it reads "the TPMPD knows the condition of the property and agrees to accept".

Commissioner Seal is concerned that if something was missed in prior inspections, yet the TPMPD said it was inspected, but a full inspection was not actually done, this could lead to complications in the future.

Commissioner Duffie is concerned about the lack of inspection and would not be comfortable signing this agreement without a full inspection.

Commissioner Kruller suggested that Mr. Snure be directed to go back to the City and find out if there has been an inspection performed on the building in the last two years. She suspects the answer is yes because of all work that has been performed to do the renovations. The wording in this paragraph could be changed to read, "The MPD has contracted inspectors and knows the condition", if that meets with the Board's approval.

Commissioner Ekberg feels the essence of 3.1 is the acceptance of the property 'as is'.

Commissioner Duffie supports taking the reference to an inspection out of the agreement.

Mr. Snure agrees that the property condition is known and the Board is going to receive it, but he is willing to talk to the City Attorney and get the inspection language removed. He feels comfortable that they would agree to that.

Commissioner Kruller wondered if there should be some language that reflects the fact that this agreement is retroactive in nature. There may be some things that are in storage or have been removed in the last two years that were on King County's original inventory list that may not be there now.

Mr. Snure feels that may not be in the Board's best interest as the date it is transferred is the date the Board has legal ownership.

Board President Quinn stated that Mr. Snure will meet with the City Attorney and this item will be placed on a future agenda for action. ***(The Board did not vote on the motion listed on page 13.)**

Ellen Gengler, 13727 Macadam Road S., felt it was important to recognize that the transfer of assets was championed by a citizen and founding member of the Sustain Tukwila Pool Committee. The citizens of Tukwila are very involved with the pool and this is the foundation and reasoning behind the need to establish an independent TPMPD Board.

f. Next meeting is May 28, 2014.

MISCELLANEOUS

Commissioner Ekberg would like to know how the TPMPD is going to work with the operator in negotiating the contract with the Tukwila School District. According to the Executive Director's report earlier, the TPMPD has not been engaged with this process.

Board President Quinn stated that he and the Executive Director did meet with the School District Superintendent, but there has been no activity since.

Commissioner Kruller has seen rough drafts of the Tukwila School District agreement and the agreement seems to be between the TPMPD, the City of Tukwila and the School District. She wonders if the agreement shouldn't be exclusively between the TPMPD and the School District with the Operator being brought in as consultants but not as signers on the agreement.

Board President Quinn thinks the question being raised is how the Board is a part of the negotiations. Negotiations between parties have to be agreeable and the main parties are the school board and the operator. He asks if this is a question that can be solved immediately or if it needs to be reviewed from the beginning.

Commissioner Ekberg thinks the Board needs to take ownership of the relationship with the School District. The Operator is already negotiating it; however, he feels that the Board needs to be involved.

Board President Quinn stated that Commissioner Ekberg's comment is valid and should be discussed. He asked and wanted to know if the Board feels this matter can be decided tonight, or should it be flagged for discussion at a later date? The consensus was to defer discussion until the next meeting and make it an agenda item.

EXECUTIVE SESSION

Start: 9:15 p.m.

Board President Quinn announced the TPMPD Board will adjourn to go into an Executive Session to discuss:

- To review the performance of a public employee pursuant to RCW 42.31.110(1)(g);
- To discuss with District legal counsel, in a forum that maintains the attorney client privilege, potential litigation and the legal risks of a proposed action or current practice that will likely result in adverse legal or financial consequences if the discussion is held in public pursuant to RCW 42.30.110(1)(i).

It will last no more than 60 Minutes (10:12 p.m.), and no decisions will be made during the Executive Session. After the Executive Session, the Board may choose to take action. The public will be re-admitted to the Council Chambers at that time.

Brian Snure, MPD Attorney, stated there was an error in the scripting and the correct RCW for the first item is RCW 42.30.110(1)(g).

Attendees: Brian Snure, TPMPD Attorney; Jennafer Price Cargill, Executive Director; TPMPD Commissioners Joe Duffie, Dennis Robertson, Allan Ekberg, Verna Seal; Kathy Hougardy, De'Sean Quinn, Kate Kruller.

9:45 p.m. Jennafer Price Cargill exited the Council Chambers.

10:12 p.m. Mr. Snure exited the Council Chambers and announced the Executive Session will be continued for another 20 minutes.

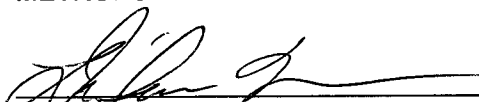
10:32 p.m. Mr. Snure exited the Council Chambers and announced the Executive Session will be continued for another 20 minutes.

End: 10:50 p.m.

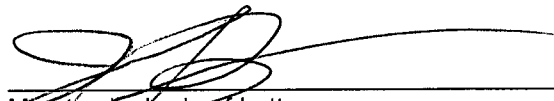
Board President Quinn reconvened the Regular Meeting of the Tukwila Pool Metropolitan Park District (TPMPD) to order at 10:51 p.m.

ADJOURNMENT

10:51 p.m. MOVED BY DUFFIE, SECONDED BY SEAL TO ADJOURN THE TUKWILA POOL METROPOLITAN PARK DISTRICT MEETING. MOTION CARRIED 7-0.



DeSean Quinn, President, Board of Commissioners



Minutes by Lady of Letters
Reviewed/edited by Jennafer Price Cargill, Executive Director