

TUKWILA POOL METROPOLITAN PARK DISTRICT

July 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 6:02 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, Verna Seal, De'Sean Quinn, and Kate Kruller.

MOVED BY DUFFIE, SECONDED BY KRULLER TO EXCUSE COMMISSIONERS ROBERTSON, EKBERG AND HOUGARDY. MOTION CARRIED 4-0.

TUKWILA METROPOLITAN PARK DISTRICT OFFICIALS

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

CITIZEN COMMENTS

There were no citizen comments.

CONSENT AGENDA

- a. Approval of Minutes: 6/25/14 (Regular)
- b. Approval of Vouchers:
 - July 7: #366699, 366707, 366757, 366758 and 366770 in the amount of \$7,232.28.
 - July 21: #366792, 366860, 366877 and 366892 in the amount of \$4,237.36.

MOVED BY SEAL, SECONDED BY KRULLER TO APPROVE THE CONSENT AGENDA AS SUBMITTED. MOTION CARRIED 4-0.

Commissioner Duffie commented that he reviewed the vouchers.

REPORTS

a. Commissioners.

Commissioner Kruller thanked the Executive Director and Board for the work during the recent (July 19, 2014) Special Meeting.

b. Executive Director. Ms. Cargill commented that the report included in the agenda packet was written prior to the July 19, 2014 Special Meeting.

c. Executive Director Committee (EDC) Report.

- EDC agenda and summary minutes

Commissioner Kruller thanked Commissioner Ekberg for attending the EDC Meeting in her place.

d. Operator

Commissioner Kruller inquired about meeting attendance by a representative from the operator. She felt the Board had requested that a representative from the Operator attend the meetings, and she inquired about the protocol relating to meeting attendance by the Operator.

Board President Quinn stated a representative from the Operator should be present at the meetings. He said if the representative is not able to attend a meeting, the Board should be notified.

e. Financial and Support Services.

- January through May financial report
- June support services detail

Vanessa Zaputil, 15171 52nd Avenue S, referenced page 13 (revenues, expenditures and fund balance) in the agenda packet. Specifically, she wanted to clarify the line relating to \$30,000 in grant revenue. Ms. Zaputil explained the TPMPD received a pass-through grant in 2013 via the City of Tukwila in the amount of \$48,000 from Seattle Children's and the TPMPD has received \$3,059 from the \$48,000 grant. This is good news, in that the TPMPD will receive another \$14,941 in unbudgeted revenue for 2014. She feels the additional revenue will aid in the additional costs associated with the transition of the pool operations. As of May 31, 2014, the TPMPD has received \$4,976 and will receive the balance of \$39,965 by year end. She feels the City should provide communication to the TPMPD that the grant funds will be billed and received. This information will benefit the TPMPD during the fourth quarter 2015 budget preparation. Ms. Zaputil also noted the 2014 Budget was approved with a \$50,000 line item for "Life Cycle Replacement," and it has not been included as part of the financial reports since April 2014. She clarified that the \$30,000 "CIP Reserve" line item is not allocated for replacement; rather that is the building demolition fund pursuant to the lease with the Tukwila School District.

Commissioner Kruller asked how the Board was going to ask the Operator to address the communication relating to the grant funding.

Board President Quinn commented that since a representative from the Operator is not present, the Executive Director can draft a letter to the City that he will review and sign to address the issues that have been raised. He commented that the letter will also include the Board's request for a representative from the Operator to attend the meetings.

The Commissioners exchanged comments and provided direction to the Executive Director relating to having a representative who is able to answer pool operations and financial questions for the Board attend at least the next three meetings.

f. Tukwila Pool Advisory Committee (TPAC).

- TPAC Chair report (May and June)
- TPAC meeting minutes (April, May and June draft)

Vanessa Zaputil, Vice-Chair of TPAC, stated the highlights of the recent TPAC meetings included planning and discussions regarding the TPAC community picnic at the pool on July 26th. She displayed copies of the informational flyer advertising the event. This will be a community event in conjunction with Touch-A-Truck and a \$1 swim, which may help raise community awareness of the pool and its ongoing events. Hamburger and hot dog meals will be \$4, with proceeds going to the TPMPD scholarship fund.

Ms. Zaputil commented that it is her opinion that the future meetings of TPAC will likely focus on the upcoming pool operations transition.

BUSINESS ITEMS

a. Interlocal Agreement with the City of Tukwila.

Mr. Snure updated the Board on the history of the Interlocal Agreement (ILA) with the City. He explained the TPMPD and City have an existing two-year agreement for operations and support services, and TPMPD has received notice that the City intends to end the agreement for services at the end of 2014. On July 19th at the TPMPD Special Meeting, the Board agreed to the City's request to cancel services by

the end of 2014. The new agreement that has been discussed by the Board includes changes that were added support the continuation of the relationship between the City and the TPMPD. In his recent communications with Rachel Turpin, Assistant City Attorney, there was discussion about why the City and the TPMPD would be entering into a new agreement, when the intent is to have the City terminate the agreement. The draft agreement would create an obligation to the City, in that they would be required to have a work plan available for the TPMPD by November 15, 2014. Additional new language allows the TPMPD to amend language relating to pool policies and inclusion of the 120 day termination clause. The Board can move forward with the draft agreement or provide direction that would authorize him to negotiate with the City on an amendment to the current agreement that would provide a termination clause.

Commissioner Kruller stated it has taken 7 months to complete these amendments to the ILA. She feels the TPMPD should move forward with a draft agreement rather than begin again. The agreement is a safety net for the TPMPD, and if the Operator continues to operate the pool, she would expect the Operator to create the required work plan.

Commissioner Duffie stated he is not in favor of the proposed ILA, and he feels the City should continue providing operations of the Tukwila Pool.

Commissioner Seal explained that she has not been in favor of the changes proposed in the agreement. She commented that the TPMPD is a new entity, and a lot of good things have been done by the Operator and the TPMPD. However, with the recent decisions by the TPMPD Board to move towards a different operating model, she will support the Board's decision to keep moving forward.

Board President Quinn explained that information he received from City staff states that the current version of the agreement does not include one minor change that was approved by the City and the Tukwila Community Affairs and Parks Committee. He stated the change is in Section 2.5, "Cost Controls," and it should read as follows: *"2.5 Cost Controls. If support services costs exceed \$6,600 per month the parties shall work together to find options for reducing the costs. TPMPD and the City will actively seek and implement cost saving measures to assist in maintaining costs below the annual maximum \$6,600 per month".*

Board President Quinn explained this item is before the Board for discussion. He commented that he would be more supportive of an agreement that supports the transition of operations from the City to the TPMPD. The work that has been put into the draft agreement was done to keep a mutually agreeable relationship between the parties. The situation has changed, in that the City has informed the TPMPD they intend to provide notice of cancellation of support services. He feels there will be a smooth transition from the City to the TPMPD for operations. 80% of the amendment to the ILA are no longer relevant due to the Board's decision to become self-operating.

Commissioner Kruller voiced her appreciation for the comments by her fellow Commissioners. She feels the Board should move forward with the draft agreement, and then move forward with preparing different Memorandum of Understanding agreements that relate to the pool operations transition from the City to the TPMPD. Additionally, it is her opinion that a work plan be provided to the TPMPD.

Board President Quinn commented that by the Board taking action on this item tonight, the TPMPD is approving the draft agreement before the City Council.

Commissioner Seal commented that if the Board moved this item to the August Board meeting when all Commissioners are present, the City Council would discuss and approve the item first. By delaying TPMPD discussion until the August 27th Board Meeting, the City could then exercise the termination clause immediately after the agreement has been approved by both parties.

Commissioner Kruller commented that there have been several iterations of the draft agreement, and she would like to move forward with the draft agreement. She feels the TPMPD Board should approve the agreement prior to the City Council approving the agreement.

Board President Quinn stated that it is important that the Board approve the ILA and continue moving forward. He restated that the draft ILA was developed to support the continued operational relationship with the City. He asked if the current agreement is still in effect.

Mr. Snure clarified that the draft ILA before them is the same version that the Board reviewed in June, and he explained that the current ILA would remain in effect until a new draft can be approved.

Board President Quinn commented that approval of the ILA would be a ceremonial act, and he feels there are other areas where the Board could focus its effort.

Commissioner Kruller reviewed the history of the Interlocal Agreement and the proposed amendments for the audience.

MOVED BY KRULLER, SECONDED BY SEAL TO APPROVE THE DRAFT INTERLOCAL AGREEMENT WITH THE CITY OF TUKWILA FOR SUPPORT SERVICES, AS AMENDED BY THE TUKWILA CITY ATTORNEY. MOTION CARRIED 3-1; WITH DUFFIE VOTING NO.

b. 2014 Budget Adjustment.

The Tukwila Pool Metropolitan Park District was notified in June that the City of Tukwila intends to discontinue as the Operator of the Tukwila Pool effective January 1, 2015. On July 19, 2014, the TPMPD Board had a Special Meeting, where the Board voted unanimously to self-perform the major operations of the pool. Beginning January 1, the TPMPD will directly employ all pool staff and manage the day-to-day activities without the assistance of a contracted operator. The Board is being asked to authorize the expenditures necessary to prepare the TPMPD to directly operate the pool.

Ms. Cargill explained she met with City staff to review estimated transition expenses as identified on page 45 of the agenda packet.

Commissioner Kruller explained as a result of the decision by the Board on July 19th to convert to a self-operating pool, the TPMPD will have additional expenses associated with the transition. She reviewed the four bulleted items listed on page 43 of the agenda packet.

Board President Quinn commented that the estimated expenses are a result of the City providing notice of intent to cease operating the pool, and the decision by the Board to transition to a self-operated business model. The estimated costs provide a starting point for the Board to discuss a future budget adjustment.

Commissioner Kruller stated the discussion on the budget adjustment is based on the discussions from the July 19th meeting. She asked if the decision could wait until the August Board Meeting when all Commissioners are present.

Board President Quinn asked Ms. Cargill to explain the costs and timing associated with the budget amendment.

Ms. Cargill explained hiring an Aquatics Manager is very important and filling the position should not be delayed. It would be ideal to have the successful candidate see the current operations and assist in preparing for the January 1st start date. Additionally, the expected time commitment for the Executive Director (ED) has increased and therefore the estimated costs for the Executive Director would also increase, although perhaps not at an equivalent rate to keep the costs down. She feels the proposed expenditures will ensure there is a smooth transition, and the Tukwila Pool would not experience any shut-down time.

Commissioner Duffie asked who the Executive Director reports to.

Commissioner Kruller stated the Executive Director reports to the Board and is guided by the Board President. She asked for a legal opinion on the proposal by the Executive Director.

Mr. Snure stated the Board would need to amend the Executive Director contract to correctly reflect the changed rate and number of hours.

Board President Quinn commented that the Executive Director made the decision on her own about the proposed budget amendment, and he did not speak with her about it. He stated the hours and work will increase and compensation should be based on the demands. It is his opinion the ED will be asked to perform additional tasks, and he does not feel the ED should be asked to donate hours to complete the required work.

Ms. Cargill clarified that she had not been asked to donate her time; she felt by proposing the reduced rate it was a way to help control the costs to the TPMPD. She is very committed to the successful transition, and reducing costs, and she feels it is reasonable and is comfortable with the proposal.

Board President Quinn commented that the Board can approve part of the proposed budget amendment this evening and other changes could be made at the August meeting.

Commissioner Seal stated the Board could make a motion to approve the budget adjustment with a not to exceed amount of \$50,000.00. The increased amount is reasonable for any unforeseen costs.

Commissioner Duffie concurred with the suggestion by Commissioner Seal.

MOVED BY KRULLER, SECONDED BY DUFFIE, TO AUTHORIZE THE EXPENDITURES NECESSARY TO PREPARE THE TPMPD TO DIRECTLY OPERATE THE TUKWILA POOL, AS BUDGETED ON PAGE 45 OF THE AGENDA PACKET, AND NOT TO EXCEED \$50,000.00. MOTION CARRIED 4-0.

Mr. Snure commented the Board would need to address amending the Executive Director contract to accurately reflect the wage and hours. Since the Board will not meet again until August, the Board could discuss the contract issues this evening in an Executive Session.

Ms. Zaputil stated discussion of an employee's contracted salary is awkward, and appreciated that the discussion would take place in Executive Session. The suggestion by the Executive Director to increase the hours at a lower rate is not unreasonable. She commented that according to the 2013 William Shore Pool Budget, Mr. Burke (Executive Director), who is employed at .70 FTE, is compensated at \$45,000 per year.

c. Formation of Ad Hoc Committees.

The Tukwila Pool Metropolitan Park District was notified in June that the City of Tukwila intends to discontinue as the operator of the Tukwila Pool effective January 1, 2015. On July 19, 2014, the TPMPD Board had a Special Meeting, where the Board voted unanimously to self-perform the major operations of the pool.

Christine Neuffer, 13813 37th Avenue South, said she is speaking on behalf of "Sustain Tukwila Pool" (STP). She explained members of STP are willing to assist the TPMPD with a smooth transition and they are offering to participate in the Ad Hoc Committees. STP has been meeting for years to discuss the Tukwila Pool.

Ms. Cargill explained the Board agreed at July 19, 2014 TPMPD Board Special Meeting, that certain tasks must be accomplished within the next five months and that it would be reasonable to establish Ad Hoc Committees to assist in accomplishing the necessary tasks. The suggested Ad Hoc Committees included:

1. Budget – to develop and propose a 2015 TPMPD Budget
2. Hiring – take preliminary steps necessary for the TPMPD Board to hire an Aquatics Manager and engage an Accountant
3. Logistics – to develop and recommend basic policies for the TPMPD to adopt
4. Legal – to review legal issues as they arise

Board President Quinn stated there are global issues for discussion. The first is whether the Board would like to have a Tukwila School District representative be appointed to an Ad Hoc Committee. Secondly, which committee the Commissioners would like to be part of.

Commissioner Kruller provided the justification for several of the different committees for the audience.

Commissioner Duffie feels a member of the Tukwila School District should be included on one of the Ad Hoc Committees.

Commissioner Seal voiced her support for the immediate formation of the Hiring Ad Hoc Committee.

The Commissioners exchanged comments and discussed options for the formation of Ad Hoc Committees. After Board discussion there was agreement to offer positions to members of the Tukwila School District on the Hiring and Logistics Committees.

Mr. Snure requested that the make-up of the Legal Committee consist of Commissioners and the Executive Director to ensure attorney-client privilege. There was Board consensus on the request by Mr. Snure.

The Commissioners discussed the options available for committee assignments. After Board discussion Board President Quinn stated the committees stand as the following:

1. Hiring Committee will include: Two Commissioners*, Executive Director, one member of TPAC, one resident-at-large and one representative from the Tukwila School District.
*It was noted that this could be expanded to three Commissioners with a vote of the full Board. Commissioners Duffie, Quinn and Ekberg (via the Executive Director) have expressed interest in serving on this committee.
2. Budget – Two Commissioners, Executive Director, one member of TPAC, and one resident-at-large. Commissioners Kruller, Quinn and Hougardy (via Commissioner Seal) have expressed interest in serving on this committee.
3. Logistics – Two Commissioners, Executive Director, one member of TPAC, and one resident-at-large, and one representative from the Tukwila School District. Commissioners Seal, Duffie and Hougardy (via Commissioner Seal) have expressed interest in serving on this committee.
4. Legal Committee – Options for the Committee included: All Commissioners, Board Attorney and the Executive Director. If there is full Board support to limit this Committee to two Commissioners, Commissioners Kruller and Seal have expressed interest in serving on this committee.

**MOVED BY SEAL, SECONDED BY KRULLER TO FORM THE FOLLOWING AD HOC COMMITTEES:
BUDGET COMMITTEE, HIRING COMMITTEE, LOGISTICS COMMITTEE AND LEGAL COMMITTEE.
MOTION CARRIED 4-0.**

d. Notification of the Tukwila Pool Metropolitan Park District's (TPMPD) decision to self-operate.

A press release and written communications were distributed to interested parties regarding the recent decision of the TPMPD Board to self-operate the Tukwila Pool (pages 50-53 of the agenda packet).

e. Next meeting is August 27, 2014.

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

The performance of a public employee pursuant to RCW 42.31.110(1)(g);

It will last no more than 10 Minutes (8:04 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.

EXECUTIVE SESSION

Start: 7:54 p.m.

Attendees: Brian Shure, TPMPD Attorney; TPMPD Commissioners Joe Duffie, Verna Seal; De'Sean Quinn, Kate Kruller.

End: 8:08 p.m.

Board President Quinn reconvened the Regular Meeting of the Tukwila Pool Metropolitan Park District (TPMPD) to order at 8:08 p.m.

ADJOURNMENT

8:08 p.m. MOVED BY DUFFIE, SECONDED BY SEAL THAT THE TUKWILA POOL METROPOLITAN PARK DISTRICT MEETING BE ADJOURNED. MOTION CARRIED 4-0.



De'Sean Quinn, President, Board of Commissioners



Minutes by Melissa Hart, Deputy City Clerk
Reviewed/edited by Jennafer Price Cargill, Executive Director