

TUKWILA METROPOLITAN PARK DISTRICT

December 17, 2012 – 5:30 p.m.
Council Chambers – Tukwila City Hall

BOARD OF COMMISSIONERS SPECIAL MEETING MINUTES

CALL TO ORDER

Board President Seal called the Special Meeting of the Tukwila Metropolitan Park District (MPD) to order at 5:33 p.m.

Board President Seal asked for a moment of silence in recognition of the school shooting tragedy in Newtown, Connecticut.

TUKWILA METROPOLITAN PARK DISTRICT COMMISSIONERS

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

Board Member Kruller was not present.

TUKWILA METROPOLITAN PARK DISTRICT REPRESENTATIVES

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

CITY OF TUKWILA OFFICIALS

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

CITIZEN COMMENTS

There were no citizen comments

CONSENT AGENDA

a. Approval of Minutes: 11/19/12

b. Approval of Vouchers:

December 3, 2012: #362027 in the amount of \$7.70

December 17, 2012: #121100, #362144, 362185, 362216, 362242, 362246 in the amount of \$16,981.68

MOVED BY DUFFIE, SECONDED BY ROBERTSON TO APPROVE THE CONSENT AGENDA AS SUBMITTED. MOTION CARRIED 6-0.

BUSINESS ITEMS

a. 2013 Board Appointments (per Resolution No. 1 - excerpt below)

Section 4. Officers – Election. At the last public meeting of the Park District in every year, the City Council, acting in its ex-officio capacity as the Park District Board, shall appoint the incoming Council President as the President of the Board, and the subsequent incoming Council President as the Clerk of the Board by majority vote of the quorum of the Park District Board in attendance at the meeting.

Section 5. Officers – Term. The officers of the Park District Board shall serve until a successor is elected and the failure to elect a successor as provided herein shall not operate as a removal of the existing officers.

Board Member Hougardy explained that based on the current rotation of the Council President serving as the MPD Board President, she is scheduled to be the MPD President for 2013. In recent conversations with Board President Seal, they both realized the benefits of Ms. Seal remaining the Board President for 2013 to preserve continuity. Due to Ms. Hougardy's schedule this past year, she was unable to attend the Tukwila Pool Advisory Committee (TPAC) meetings. Since Board President Seal was able to attend the TPAC meetings, she has a solid understanding of the issues that would be beneficial in the upcoming year. Board Member Hougardy also expressed that she is ready and willing to serve as MPD Board President if that is the will of the Board.

Lisa Marshall, MPD Board Attorney, explained the process for changing the current rotation process and selecting officers:

1. A motion will be needed to have staff bring an amendment to Resolution #1 (regarding MPD governance) to the January Board meeting providing for a new process for selecting a Board President.
2. A motion will be needed to authorize the current Board President (Seal) to act as Board President until such time as Resolution #1 is amended.
3. A motion will be needed to appoint a Clerk of the Board.

5:45 p.m. Board Member Kruller entered the Council Chambers.

Board President Seal provided a summary of the discussion to Board Member Kruller. Ms. Seal also expressed that she is willing to continue on as Board President for 2013 and conveyed the need for the MPD to have a Board Retreat.

The Board Members discussed the issue of changing the rotation of the Board President and offered the following comments: Concern regarding setting a precedent; the suggestion of switching the rotation such that the existing Board President becomes the MPD Clerk (in the following year) and the subsequent incoming Council President becomes the MPD President; the need to ensure discussions and decisions are made openly at the Board meetings in full view of the public; the possibility of pursuing this further at the Board Retreat; acknowledgment that if a change of governance occurs, this matter becomes a non-issue; the idea that the presidency duties could be rotated quarterly; the importance of public input; and the suggestion that the current process be suspended for a year and then re-evaluated.

Board Member Quinn, who is scheduled to be Clerk of the Board this year, emphasized that he looks forward to serving in the roll of Clerk, and would be willing to serve as President if that is the decision of the Board.

MOVED BY ROBERTSON, SECONDED BY DUFFIE THAT AN AMENDMENT TO RESOLUTION #1, OUTLINING A NEW PROCESS REGARDING THE APPOINTMENT OF OFFICERS, BE CONSIDERED AT THE JANUARY 22, 2013 MPD BOARD MEETING. MOTION CARRIED 7-0.

MOVED BY ROBERTSON, SECONDED BY QUINN TO APPOINT THE CURRENT BOARD PRESIDENT (SEAL) TO ACT AS THE BOARD PRESIDENT FOR 2013. MOTION CARRIED 7-0.

MOVED BY HOUGARDY, SECONDED BY DUFFIE TO APPOINT BOARD MEMBER QUINN AS CLERK OF THE BOARD FOR 2013. MOTION CARRIED 7-0.

b. Authorize the Board President to sign a professional services contract with Lisa M. Marshall for the provision of legal counsel services for the Tukwila Metropolitan Park District through December 31, 2013.

MOVED BY HOUGARDY, SECONDED BY QUINN TO AUTHORIZE THE BOARD PRESIDENT TO SIGN A PROFESSIONAL SERVICES CONTRACT WITH LISA M. MARSHALL FOR THE PROVISION OF LEGAL COUNSEL SERVICES FOR THE TUKWILA METROPOLITAN PARK DISTRICT THROUGH DECEMBER 31, 2013.*

Board Member Kruller indicated that a competitive process for services such as these is in order.

Rick Still, Parks and Recreation Director, explained that a Request for Qualifications (RFQ) / Request for Proposals (RFP) process involves a 14-day advertising period, development of a scope of work and rating system, interviews and a selection process, and meetings to negotiate costs and services. The entire process can take 3-5 months.

The Board Members offered comments to include: Concern regarding the costs associated with the RFQ/RFP process; the necessity of having legal representation; reference to the 30-day termination clause in the current contract; the necessity of communicating with our current legal representative regarding the Board's intent; interest in pursuing an RFQ/RFP process; and the need for further discussion of this issue at the Board Retreat.

MOVED BY EKBERG, SECONDED BY ROBERTSON TO AMEND THE MAIN MOTION TO CHANGE THE ENDING DATE FOR THE CONTRACT TO JUNE 30, 2013. MOTION CARRIED 7-0.

***MOTION CARRIED 7-0, AS AMENDED.**

c. Capital project update.

Rick Still, Parks and Recreation Director, gave an overview regarding the construction project for the pool as outlined on page 19 of the packet.

The Board Members asked clarifying questions regarding the capital project update and also acknowledged the volunteer efforts of those citizens who assisted with the painting project at the pool.

d. Preliminary 2013 draft long-term agenda.

Mr. Still referenced the agenda schedules for 2013 and 2014 that were included in the packet. The long-term agenda lists those items that require discussion and/or action based on the Board's direction to staff. The current agenda items reflect the need for quarterly meetings after January 2013.

Discussion ensued among the Board Members, and it was determined further discussion could occur at the Board Retreat.

Mr. Still reiterated that staff would work from this long-term agenda unless the Board provides different direction.

e. Shall the Board change the MPD governance at some time in the future (from the City Councilmembers as Ad-Hoc Board Members to an elected 5-member Board)? Yes or No.

Board Member Robertson explained that he had originally provided the language for this item. He is proposing a change in the language as follows:

"Shall the Board consider changing the MPD governance during the third quarter of 2013 from Councilmembers as Ad-Hoc Board Members to an elected 5 member Board?"

In his view, it is extremely important that the capital improvement project be completed prior to discussions regarding a change that would turn over the reins. It is conceivable that the project will be completed by the third quarter of 2013, and a discussion regarding a change in governance would then be in order.

Christine Neuffer, 13813 37th Avenue South, is a Sustain Tukwila Pool (STP) member. Their mission is to provide a sustainable pool as a community resource. They urge a "yes" vote to change MPD governance and would like this on the November ballot. They do not support an advisory vote as that would be costly to the MPD and not productive for citizens. They are successful in running campaigns and can inform the citizens regarding the issues.

Marie Parrish, 4430 South 150th Street, believes any consideration of a change in governance should occur after the capital improvements are completed. It is important to have the expertise of the Council acting as Commissioners to stabilize the operations of the pool. The Council and the staff have resources and experience regarding tax issues and government regulations that are important. A group of new commissioners all elected at the same time would have no such experience to draw on. Additionally, if there is to be a change in governance, she is in favor of an advisory vote of the people and hearings to consider the pros and cons.

Bruce Paquette, 6360 South 151st Place, stated that when he voted for the formation of the MPD, he assumed that the City Councilmembers would be the Board Members. If the governance is changed, an advisory vote should be presented to the people before changes are implemented. He feels that waiting until the third quarter of 2013 is a reasonable approach. The knowledge that the current Board has could get lost with a new ad-hoc committee.

Beth Paquette, 6360 South 151st Place, relayed that when the citizens voted in August 2011, they voted to create the MPD and have the City Council serve as the MPD Commissioners. That is what she voted for, and that is how she would like it to stay.

Kay Mulliner, 14224 52nd Avenue South, said when she worked on saving the Tukwila Pool, her understanding was that it would be part of the City, and there would not be a big change. Also, holding an election would cost money that the MPD does not have.

Dana Cowell, 4443 South 146th Street, said he has been a regular swimmer for 7 years, and he voted in support of the MPD. Part of that was to have the Council govern and run the MPD. He does not see a value in having an election or paying others to add on to the government that is in place and that has the experience and desire to support the pool. He is happy with the way things are being run and does not see value in spending money to fix a process that is not broken.

MOVED BY ROBERTSON, SECONDED BY EKBERG TO MODIFY ITEM 4E TO READ: "SHALL THE BOARD CONSIDER CHANGING THE MPD GOVERNANCE DURING THE THIRD QUARTER OF 2013 FROM COUNCILMEMBERS AS AD-HOC BOARD MEMBERS TO AN ELECTED 5 MEMBER BOARD?"*

The Board Members exchanged comments on this issue to include: It is too early to change the governance; recognition that there is a group of citizens who are willing to serve in an elected capacity to support the pool, and this topic requires further discussion; the need to analyze the issues associated with a governance change prior to the third quarter; acknowledgement that the City has embraced the pool and this discussion could be held even later than the third quarter of 2013; and the importance of the MPD Board providing oversight for the financial decisions that have been made to support the pool.

***MOTION CARRIED 7-0.**

f. Discussion regarding independent review of support services contract.

Board President Seal provided an overview of this issue.

When the formation of the MPD occurred in September 2011, the MPD entered into a contract with the City of Tukwila to manage services to maintain and operate the Tukwila Pool. The contract was amended November 21, 2011 to extend the contract term to January 15, 2013. The current contract is set to expire on January 15, 2013.

At the September 17, 2012 MPD Board meeting, staff provided information regarding the process to obtain an independent review of the contracted support services that are provided for the MPD by the City and a method to find alternate means to provide the services. Board members discussed the necessity of determining 'when' an independent review should be initiated and who should find a consultant and prepare an RFP. Additionally, the Board discussed who a consultant should report to when completing an independent review so that there isn't a conflict of interest with the City.

Consensus at that meeting was to consider the topic of contracted services and a potential independent review at the December 17, 2012 MPD Board Meeting. Board Members were encouraged to bring their prepared ideas, concepts, and thoughts to present at the meeting in an effort to spark discussion on the topic and get ideas on how this should move forward.

Vanessa Zaputil, 15171 52nd Avenue South, said she was speaking as a member of the Sustain Tukwila Pool (STP) group. The consideration of reviewing other models was discussed by the City Council – now the MPD Board – as a condition required by the grassroots committee. She referenced discussions at Council meetings regarding potential cost-saving methods for pool operations that could be identified and utilized. In her view, now is the time to pursue those options, and she encouraged the Commissioners to look at different operating models for area pools. The STP group has been doing a review, and they look forward to sharing their report with the Commission.

Bruce Paquette, 6360 South 151st Place, conveyed that his son has been a part of the Special Olympics Tukwila Turtles swim program for the past 6 years. He has been impressed with the dedication of Malcolm and Amy at the Tukwila Pool who are running the program, and doing a super job. The team does well regionally and in the state. He has concern that a third party brought in to operate the pool would not provide the quality of service that is currently being provided, and he does not want to lose that.

Beth Paquette, 6360 South 151st Place, said that her son, Danny, became a Tukwila Turtle when he was a junior at Foster High School. Staff from the Tukwila School District approached Malcolm at the Tukwila Pool about forming a Special Olympics Team and including the Special Education students at the high school. Malcolm supported the program, and he and Amy worked with the kids to make them successful. Additionally, the pool established a girls' swim team this fall that was competitive in the first year with Amy as a coach. She is concerned that a third party operator would not have this kind of commitment to the community.

Kay Mulliner, 14224 52nd Avenue South, indicated she is involved with water aerobics at the pool and is there at least 3 days a week. She is a 20-year citizen and a respite caregiver, and she has had an opportunity to observe the staff working with pool users and students. She is impressed with Malcolm and Amy and the lifeguards at the pool, and unless there is a financial problem, she does not feel there should be changes.

Ellen Gengler, 13727 Macadam Road South, clarified that the third party operating the pool is the City staff. It is her understanding and expectation that the Board would look competitively at other third party operators. The Sustain Tukwila Pool (STP) group is looking at the operations of 8 to 10 pools, and will have a report with verifiable data available for review by the Board at the January 22, 2013 Board Meeting.

The Board Members determined they would like to begin the process of evaluating independent support services by reviewing the report that the STP is compiling for the January 22 Board Meeting.

Mr. Still explained that the current contract with the City of Tukwila for contracted support services expires on January 15, 2013.

MOVED BY ROBERTSON, SECONDED BY QUINN TO EXTEND THE CONTRACT WITH THE CITY OF TUKWILA FOR CONTRACTED SUPPORT SERVICES FOR 6 MONTHS. MOTION CARRIED 7-0.

MOVED BY QUINN, SECONDED BY KRULLER TO PROVIDE THE STP REPORT TO THE TUKWILA POOL ADVISORY COMMITTEE (TPAC) WHEN IT IS RECEIVED BY THE MPD BOARD. MOTION CARRIED 7-0.

REPORTS

a. Commissioners

Board Member Hougardy reported that she attended the open house event at the pool this past weekend. Board Member Quinn attended the TPAC meeting this past weekend and looks forward to attending future meetings.

Board Member Duffie received a tour of the pool from the Parks and Recreation Director. Board Member Kruller commented on the great progress occurring at the pool.

b. Staff:

- Capital Improvement Program (CIP) status
- Operational issues
- Short-term agenda review
- Quarterly report
- December 15, 2012 construction status—50%

Board Member Ekberg asked Mr. Still about the basis for the increase in pool revenues. Mr. Still explained that the potential loss of the pool brought about a greater awareness and increased usage. Additionally, the pool staff is working with School District staff and making more community connections in the evenings. There is also increased outreach to ethnic populations, and the capital improvements campaign has brought about positive public relations.

Board Member Kruller acknowledged those individuals who have sent letters to the Board and City Council regarding pool issues. Mr. Still relayed that staff has also sent thank you letters to those people who sent correspondence regarding the pool.

c. Tukwila Pool Advisory Committee (TPAC):

- Agenda and minutes
- Chairperson report

Vanessa Zaputil, 15171 52nd Avenue South, TPAC Vice Chair, referenced material in the agenda packet on page 45 regarding follow-up to TPAC's recommendation regarding fee increases in 2013. The TPAC will be updating their work plan for 2013, and at the top of their work list is the scholarship program, which they hope to have in place before the grand re-opening. Additionally, once the report from STP on contracted support services is received, it will be added to the TPAC agenda. Ms. Zaputil reported that the TPAC now has its own section on the MPD portion of the City's website. She also clarified that organization of the painting party at the pool should be credited to the Sustain Tukwila Pool group.

d. Next meeting is **Tuesday (due to the holiday)**, January 22, 2013.

MISCELLANEOUS

Board Member Kruller referenced the Open Public Meetings Act (OPMA) as it relates to the Tukwila Pool Advisory Committee (TPAC).

Lisa Marshall, MPD Board Attorney, relayed that she had provided her legal opinion to the Board Members, which is that the TPAC is not legally required to follow the OPMA. It is up to the Board to determine whether TPAC should follow the OPMA voluntarily.

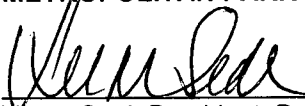
Board President Seal indicated a date for the MPD Board Retreat will be forthcoming. If TPAC would like to provide input regarding items for the retreat, they would be welcomed.

Board Member Ekberg referenced the Pooch Plunge and the difficulty of the pooches to enter the water with no ramp. He wondered if a ramp for children and pooches might be something that could be considered during the renovations.

Ellen Gengler, 13727 Macadam Road South, relayed that the Tukwila Pool Advisory Committee (TPAC) meets on the 1st Wednesday of each month at the Tukwila Community Center at 7:00 a.m., and the Sustain Tukwila Pool (STP) group meets every Saturday at Friendz Café in the conference room at 9:00 a.m. All are encouraged to attend.

ADJOURNMENT

8:34 p.m. MOVED BY DUFFIE, SECONDED BY ROBERTSON THAT THE TUKWILA METROPOLITAN PARK DISTRICT MEETING BE ADJOURNED. MOTION CARRIED 7-0.



Verna Seal, President, Board of Commissioners



Christy O'Flaherty, City Clerk