

TUKWILA POOL METROPOLITAN PARK DISTRICT

April 10, 2017

6:00 p.m.

Valley View Sewer District Conference Room

BOARD OF COMMISSIONERS REGULAR MEETING MINUTES

CALL TO ORDER

President Frangello-Anderson called the meeting to order at 6:00 p.m. The Pledge of Allegiance was recited.

TUKWILA METROPOLITAN PARK DISTRICT COMMISSIONERS

Present were Commissioners Gengler, Tyson, Zaputil, Neuffer and President Frangello-Anderson.

TUKWILA METROPOLITAN PARK DISTRICT REPRESENTATIVES

Jennafer Price Cargill, Executive Director
Michelle Simpson, Aquatics Manager arrived at 6:20 p.m.

AGENDA

**MOVED BY COMMISSIONER NEUFFER TO APPROVE THE AGENDA,
SECONDED BY COMMISSIONER ZAPUTIL. MOTION CARRIED (5-0).**

CITIZEN COMMENTS

None

CONSENT AGENDA

- a) Approve Minutes of Tukwila Pool Metropolitan Park District (TPMPD) Board of Commissioners (BOC) Regular Meeting March 13, 2016.
- b) Approve Voucher(s)

**MOVED BY COMMISSIONER ZAPUTIL TO APPROVE THE MINUTES OF
MARCH 13, 2017, SECONDED BY COMMISSIONER NEUFFER. MOTION
CARRIED (5-0).**

**MOVED BY COMMISSIONER TYSON TO APPROVE THE VOUCHERS,
SECONDED BY COMMISSIONER GENGLER. MOTION CARRIED (5-0).**

REPORTS

a. Commissioners

Commissioner Neuffer reported that she attended a Programming Committee meeting and feels that having an aquatics manager will help this committee move forward.

Commissioner Gengler reported that she attended the Finance Committee and Marketing Club meetings. She will also attend the TPAC meeting on Saturday.

Commissioner Tyson reported that he received a response to his request for an audit which stated that a routine audit will take place during the second half of 2017.

President Frangello-Anderson stated, for the record, that Commissioner Tyson handed out a copy of the letter he received regarding the audit to the other commissioners.

Commissioner Zaputil also attended the Finance Committee meeting and gave an update on the legislative bill. Substitute Senate Bill 5138 has passed both the Senate and the House and is awaiting the governor's signature.

Commissioner Zaputil attended the Egg Hunt which was even larger than last year. Saturday, April 15th, is April Pool's Day which will be all about safety around boats and the water. The Tukwila Fire Department will be there also.

President Frangello-Anderson reported that she had a meeting with Tony Overmyer and Scott Deschenes from the Des Moines Pool. She found it very informative and offered the Tukwila Pool to them to use as their pool will be closed this summer. The Des Moines Pool is doing a feasibility study on building a new facility that will be out in June which was funded by a grant from King County. This study will be discussed at the June 14th meeting of the Des Moines Pool Metropolitan Park District.

b. Executive Director

Ms. Price Cargill reported that Beth, the Girl Scout who is working on the signage and mural project, was invited to this meeting, but was unable to attend. Beth is in the process of scheduling a meeting with the art teacher at Foster High School who may be the source for the mural painters.

Ms. Price Cargill stated that Ms. Simpson, the new aquatics manager, is working on the facility itself and she will want to report to the commission on those areas.

Ms. Price Cargill will be implementing a different time keeping system for the pool employees. This will be a web-based program as opposed to the time clock on the

wall which is malfunctioning continually. The company is not increasing the cost due to the continual malfunctions of the time clock and the errors it produces.

Commissioner Zaputil asked about the reliability of this web program. She wants to make sure the same mistakes will not be happening.

Ms. Price Cargill stated that she has asked the same question of the provider and has been assured that those mistakes will not happen; however, it is a month to month agreement, so if it does not get better, it can be cancelled with twenty days' notice. Currently, she downloads the information from the time clock and sends it into the payroll check system. The new system will eliminate that step.

Commissioner Gengler was interested to know how the security system is set up on this program. Does everyone have their own passcodes and could somebody check someone in who is not there?

Ms. Price Cargill stated it would be the same system that is being used currently where everyone's pin number is the last four of their social security number. If an employee gave out their pin, someone could do that, but the system is closed so that no one can clock in off-site. In addition, she can do adjustments and corrections if needed. With the current system, she would have to email those changes to the paycheck representative and those changes were not always reflected the way they should have been, thus causing more errors. With the new system, those types of errors should be much fewer.

Commissioner Zaputil asked about the type of errors that were being seen.

Ms. Price Cargill said that she currently has to communicate with the representative about things that were not included on the time clock printout. For example, if a person is owed retroactive time because they forgot to clock in, Paychex has to be notified to give them that extra time.

Commissioner Zaputil stated that the errors were, in fact, mostly human errors.

Ms. Price Cargill said yes, it is all human error.

President Frangello-Anderson asked how will those be fixed going to a web based system.

Ms. Price Cargill responded that she will be directly inputting the data instead of relying on a chain of people. The other issue with the current system is a daily breakdown of the hardware itself and spending too much time fixing that, which will not happen with new system.

Commissioner Tyson asked if the pool has a traditional time clock and Ms. Price Cargill responded that yes, they currently do have one, but it just is not working well and that is why the web based system will function better.

Ms. Price Cargill stated that the suggestion box has been relocated to next to the front desk to see if the quality of the suggestions improves and the staff can direct people with suggestions to that location.

Ms. Price Cargill said that the Annual Financial Report to the State Auditor's office is due next month. She is also looking at the 2017 election research.

President Frangello-Anderson stated that she reached out to King County about the election and only if the district has an issue on the ballot, would those deadline dates be important. The Park District does not have a measure on the ballot in this election.

Commissioner Zaputil would like to see this information on the website to inform the public about this election.

Commissioner Neuffer asked if there is time to get this information in the Tukwila Reporter and Ms. Price Cargill said she had already sent in the April column and that's gone to print already and that the May column would be past the filing deadline.

Commissioner Zaputil informed the commissioners that they must file their PDC-FIs by April 15th.

President Frangello-Anderson introduced Michelle Simpson, the new aquatics manager, to the commissioners.

c. Pool Operations

Ms. Price Cargill sent around a picture of the new flooring in the men's bathroom and she is pleased with the job. There is a color difference in the wall, but it is small and inconspicuous so the decision has to be made as to how much, if any, effort should be spent in fixing that.

Ms. Simpson reported that safety is her number one concern with the staff and the in-service meeting was all about that. CPR and First Aid need to be reviewed each month and this will happen at every in-service meeting going forward. Also, at the meeting it was made clear to the staff what the expectations are and the consequences if they are not met. Several videos were viewed on drowning, safety issues, how to properly use a whistle, and more.

Commissioner Gengler asked Ms. Simpson to elaborate on what the expectations are and what was found lacking? Ms. Simpson said that the lifeguards were not

wearing rescue tubes, hip packs, lifeguard T-shirts, and whistles around their necks. She explained what the whistle blows mean to all staff and patrons. First Aid is a priority, which is why there are two lifeguards on duty at all times; one to take care of the injury and the other to continue watching the pool. The staff were reminded to always look professional while on duty. There is a quick check guide to make sure everything is in order. The lifeguards need to be able to see the whole pool, scanning every 10 seconds starting with the bottom of the pool and be ready to jump in at any time.

President Frangello-Anderson asked if the checklist is something that the patrons can fill out or just staff? Ms. Simpson said both patrons and staff can fill them out. She feels this is a very helpful tool for the staff to see to know how the public sees them.

Commissioner Neuffer said the lifeguards will be identifiable now by uniform, but what about names? Ms. Price Cargill said the guards have had uniform shirts for a while with name tags on the whistle lanyard. Ms. Simpson said when filling out the form, the name is not necessary if we have the date and time, because that will identify who was on duty.

Commissioner Zaputil thought the checklist is very informative and is very pleased to hear about the improvements being made.

Ms. Simpson was happy to have working mannequins for training purposes, that is very important for classes and in-service meetings. This will also be used in drills of drowning and CPR. She has also ordered a new lifeguard chair, which is a bit taller.

Ms. Simpson started using the Red Cross Swim Lesson Program and posted all the levels on the wall in the pool area. There is a clipboard on deck and the instructors can mark off each skill achieved and know who is and is not attending class. Since the pool is now an authorized provider of the Red Cross Program, the progress reports have the emblem on them and they are provided by the Red Cross. Training is on-going and she hopes to be more available to the parents in the next session.

Ms. Price Cargill noted that Ms. Simpson talked about the fact that parents cannot sign up for the next session until the week before classes start. However, there may be a way they will be able to sign up earlier and Ms. Price Cargill is looking into the possibility.

Commissioner Gengler asked if attendance of the classes is tracked anywhere in the system? Ms. Price Cargill said it is not currently being recorded in Reel.

Ms. Simpson said that the data can be transferred before the checklist is reused the next class.

Commissioner Gengler is concerned that the scholarship attendance is not being tracked. Ms. Simpson does not know which students are on scholarship, but she will find out and they can be tracked.

Ms. Simpson has developed a survey that she hands to the parents on a clipboard for them to fill out on the last day of swim classes and she gets excellent returns doing it this way. Doing an email survey does not work as well as in-person. Then this data can be inputted and used to help staff improve on their instruction. Also, these surveys include a section for making comments and suggestions about hours for classes that would work better for parents.

Commissioner Neuffer asked how long each lesson lasts. Ms. Simpson said that the ages three to six are 30 minute classes, the next levels are 40 minutes and the pre-competition classes are one hour.

Commissioner Zaputil asked if the rate goes up for each level. Ms. Simpson said the ratio goes up so the price is the same.

Commissioner Gengler asked about how the word is getting out about the classes. Ms. Simpson did not know for sure, but will add that to the survey.

President Frangello-Anderson asked if emails will be collected on the surveys. Ms. Price Cargill said when students register, email addresses are collected.

Ms. Price Cargill added that staff is taking ownership of the April Pool's Day event, and there will be some changes. Inflatable boats will be used instead of kayaks for the boat safety portion of the event.

Commissioner Gengler was concerned about the changes in the event because the Marketing Club had done work on this event and was not notified of any changes so, communication needs to improve. There is a kayak club that uses the pool and that is a big sport in this area, so that was one of reasons the kayak was used in the event previously. She feels there are many opportunities to showcase what can be done in a pool like kayaking, synchronized swimming, etc. to show the children of Tukwila what is out there they can get into through being exposed to different water sports at the pool.

Ms. Price Cargill said the Programming Committee is looking at several ideas that Commissioner Gengler spoke about to create more opportunities.

Commissioner Tyson is in favor of boat safety as an activity in the pool and he has found that the University of Washington surplus store has 15' aluminum canoes for sale for \$75. There may also be a discount available.

Commissioner Zaputil said one of the purposes of boating safety is to teach kids and adults how to put on the life jackets.

Ms. Simpson stated that she felt that the reason to use the inflatable boats instead of the kayaks was that more children can get in the boats at one time, which shortens the lines for the kids. Ms. Price Cargill said that in the past, there were long lines for the kayak so the inflatable boats are an attempt to lessen that line.

Commissioner Gengler asked if this discussion about the boats versus kayaks had included any people who were at the Marketing Club meeting. Ms. Price Cargill answered in the affirmative. Commissioner Gengler said, to be clear, there was a Marketing Club meeting where time was spent talking about the kayaks. Afterwards there was another meeting with some of the people from the Marketing Club where there was discussion about long lines.

Ms. Simpson said that the management staff had a meeting to discussing logistics of the event and that is where the long line discussion took place. From there, the group talked about how to make the event go smoothly and avoid the long lines.

Commissioner Gengler said that this is an operational event and she is sure it will be a learning experience for everyone, her concern is over boat safety being the key point of the event.

Commissioner Gengler asked if there are signups for the next lifeguard classes. Ms. Simpson was unsure at this point. There is a pre-requisite test on the 21st and the class will begin on the 26th.

d. Financial

Ms. Price Cargill reported that there was a glitch in the way Reel is reporting sales tax and there is an example of that on page 42, it says sales tax collected \$561.97; however, on page 48 it states that amount paid is \$414.87. The amount that is paid to the Department of Revenue is correct, but the amount being collected is being over reported in the internal documents. This error is now corrected and beginning with April's report, that error will not be happening. The pool has also now been officially declared a non-enterprise by the DOR. Additionally, a check was received from Kennedy High School for \$18,205.

Commissioner Gengler noticed a discrepancy in the budget for the bookkeeper and what has been spent. If this continues it could create difficulties. Ms. Price Cargill stated this will not be happening in the future and was due to the extra time the bookkeeper was given to fix some issues. That work has now been completed and she is back on regular schedule. The extra hours were approved by the board.

Commissioner Zaputil asked about the 2016 actuals. Ms. Price Cargill has a version of that report, but it was not in the packet. The board president has requested that it be in the packet every month from now on.

President Frangello-Anderson is concerned about the negative number under Operating Income on page 45. Ms. Price Cargill explained that the majority of the money the pool receives comes in twice a year, but the pool is not in the negative.

Commissioner Gengler asked about one of the bank accounts going negative and Ms. Price Cargill said that does not happen in reality, if the balances are running low, money is transferred in:

Commissioner Gengler had a question on the vouchers on page 12, Washington Cities Insurance Authority Training Days 2/28 no-show invoice, what was that concerning. Ms. Price Cargill explained that a staff member was scheduled to attend a free class, but could not attend so the pool gets charged for no-shows even if the class is free.

President Frangello-Anderson inquired if the pool gets any reimbursement payment for those classes. Ms. Price Cargill said that all the classes people are currently signed up for are free classes except for the CPO classes and the pool will receive a reimbursement for one of those classes.

e: TPAC Report

Commissioner Zaputil thanked all the members of TPAC for their wonderful efforts on behalf of the pool and asked if the Girl Scout project had a deadline for completion. Ms. Price Cargill said that date is flexible and based on her experience with the Girl Scout Gold Award project was that they usually run longer than anticipated.

Commissioner Gengler feels certain that the TPAC Committee will be very interested in the items that Ms. Simpson has outlined for the pool.

BUSINESS ITEMS

a. MRSC Reports renewal

President Frangello-Anderson asked if the board should renew its membership in Municipal Research and Services Center of Washington Roster.

MOVED BY COMMISSIONER NEUFFER TO RENEW THE MEMBERSHIP IN THE MRSC ROSTER, SECONDED BY COMMISSIONER GENGLER. *

Commissioner Gengler asked if the pool used this membership. Commissioner Zaputil said that it was used for the flooring project, thus avoiding the expensive bidding process. She feels it should be kept current.

Commissioner Gengler wondered why this was an agenda item since the cost is so low. Commissioner Zaputil stated that it was to keep the public and the commissioners aware that the pool has this resource.

***MOTION CARRIED (4-1) WITH COMMISSIONER TYSON ABSTAINING.**

b. TSD Interlocal Agreement proposal

Ms. Price Cargill said that Mr. Snure, the pool's attorney, has been in contact with the Tukwila School Board's attorney. She suggests an agreement that is not dependent on regular communication from the school district. She also suggests that the agreement has clearly defined terms like who is providing lifeguards, what space in the pool do they propose using, etc. The draft provided by the School District does not spell these things out; they seem to want all options open to them. There are ways to address this, but the language, as it appears, would be a challenge to implement. She would like to return to them a document that has the language clearly spelled out.

For instance, under the fee compensation schedule on the bottom of page 73, item b, the pool may be asked to provide lifeguards for the school's swimming lessons. But to fulfill that request, the pool would require at least three weeks' notice so that the staff can be scheduled. It would be better if the agreement could establish something specific for a whole semester or other set time period.

Ms. Simpson asked if this agreement was in place right now. Ms. Price Cargill said it is not currently. Ms. Simpson asked the board if they are comfortable with the school district providing their own lifeguards. She feels that if the school's teacher is a lifeguard, they will not be able to teach and lifeguard at the same time. She is also concerned about insurance and the ramifications to the pool's reputation should there be an incident of drowning during those swim classes.

Commissioner Gengler asked if the pool is suppling lifeguards to other groups like the kayak club, or just opening the pool doors? Ms. Price Cargill said the kayaking club provides their own staff for this and are certified for this specialized program.

Commissioner Gengler said even when the pool is closed between 1:00 and 3:00 there are two guards during that time, has that changed? Ms. Price Cargill said if the pool was closed, there would be no lifeguards on duty. However; between those hours the school is using the pool, so lifeguards are being provided for those classes. If the pool is closed to all, meaning no one is using the pool, then there are no lifeguards on duty.

Ms. Simpson asked if the school district could simply rent the pool. Commissioner Zaputil stated that the issue is money and an agreement is trying to be worked out for services instead of actual payments, however; safety is paramount. She also has some difficulty with the language where it says *during such periods when TSD has*

exclusive use of the entire pool during scheduled class times, where other public users are excluded. Although she appreciates what that means, she suggests using TPMPD programing or rentals are not scheduled.

Commissioner Zaputil spoke about the language where it states *TSD is responsible for the cost of lifeguards. TSD will either provide lifeguards or reimburse the pool for the cost of lifeguards.* She suggests using instead, *TSD will notify the TPMPD in writing a minimum of twenty-one days in advance of their request for TPMPD lifeguards.* Ms. Price Cargill feels that would work. Also, they would need to clarify how many lifeguards they are requesting. Ordinarily, the pool would supply two guards minimum for any rental group. Therefore, the cost to the School District would be \$20 per hour for each guard or \$40 per hour.

Commissioner Zaputil said that cost of \$20 per hour per lifeguard minimum of two required, would go onto the next page. Ms. Price Cargill clarified that would just cover the pools cost of guards as the pool cannot make a profit off of the school district.

Ms. Simpson asked if the pool had thought about remaining open for lap swims at the time the school is using the pool. Ms. Price Cargill said that is one option that the TPMPD suggested, however; the school district did not include that in their proposal. To clarify, that language came through the pool's attorney which said either the school district is providing lifeguards, or the pool is providing lifeguards or the school district is only renting the shallow end of the pool and the TPMPD can use the deep end of the pool for lap swimming or other uses during that time. The school district did not select that option.

There was discussion among several commissioners regarding the different hours, costs and the fiscal responsibility of the pool.

Ms. Price Cargill noted that on page 74 there is another paragraph that states if they do not have exclusive use of the pool, then TPMPD will provide lifeguards. For the sake of implementation, the school district should really choose which specific option they would like and provide more detail for the pool to be able to plan staffing.

Commissioner Gengler said she felt that the pool asked the school district to choose and they did not make a choice. In her opinion, in the case that there is another rental at the same time and lifeguards are being provided for that program, the school would not have to provide lifeguards.

Ms. Price Cargill said that would be fine, the TPMPD would not charge the school district for the lifeguards at that time. Alternatively, it is not practical to expect the pool to have lifeguards on duty with short notice.

Commissioner Zaputil said that on page 73, section C, Pool Services, it clearly states if the school does not have the needed certification, i.e., substitute teacher, the TDS will be cancelled for that day. Therefore, we're not discussing unplanned changes.

Ms. Price Cargill feels the school district should be able to anticipate if they will need lifeguards at the beginning of the school year or semester and the school district should be able make the TPMPD aware of any cancellations as they arise.

Commissioner Neuffer voiced her concern that when a teacher is absent from the school, it is usually a last-minute thing and so the twenty-one-day notice could not be done.

Commissioner Zaputil asked if there was some way to preserve that twenty-one day notice and give another option for last minute changes.

Ms. Price Cargill said in earlier drafts of the agreement there was language that if the school district needs to have the TPMPD supply lifeguards, they could arrange to have the pool's lifeguards. However, the school district crossed that language out of the agreement. The school district preferred to cancel the class rather than pay for lifeguards. She was surprised when the district came back in this draft and said they wanted to pay for lifeguards as that is a new thing for them. That is something that the pool would be willing to do, but that would require a clear request with some reasonable notice in order to make that happen for the school district.

Commissioner Gengler says what she is understanding is that between 1:00 and 3:00 p.m. the TPMPD does not plan to have lifeguards in the building. However, her assumption is that there are at least two managers in the building between those hours who could fill lifeguard positions if necessary. So, even if the school teacher was a substitute, the pool would have people to fill in at that time. What she is hearing from this discussion is that it is impossible to have lifeguards to fill in on short notice and she disagrees with that.

Ms. Price Cargill said that if the pool was closed during those times, there would be a morning shift manager who left at 1:00 p.m. and an afternoon shift manager who arrived at 3:00 p.m. If a salaried manager was working during that time, they would be doing managerial tasks, not lifeguarding. Also, the current practice is that when the school has a substitute teacher, the students do not come to the pool, so that would not be a change.

Commissioner Tyson asked if there could be an inclusion in the agreement that the school have a second staff member that could step if the primary teacher is absent.

Ms. Price Cargill replied that something like that was discussed, but the school district opposed that solution.

Commissioner Tyson feels the status of this agreement is unacceptable and there will be a number of things the district does not want; however, if they want to use the pool, they may have to accept different terms.

Commissioner Gengler said the school district's primary business is educating children and she understands that the TPMPD has to be good steward of the park district; however, part of the mission is get kids in the pool. It should not be forgotten that the school district owns the land, the TPMPD leases the property. She feels that the board must be more willing to compromise. The school district has the option of not continuing the lease and the pool would close.

Commissioner Tyson said the district is operating without a structure and he sees too many words like 'may' or 'might' within this agreement.

Commissioner Gengler said that this agreement was reviewed by both attorneys.

Ms. Price Cargill stated that from a legal standpoint, there is nothing wrong with the agreement, but from an administrative standpoint, how this happen on a day to day basis, is the difficulty. The pool needs more structure.

Commissioner Zaputil said that she was suggesting language that both entities know what is expected.

Commissioner Gengler stated that has been the problem all along and the board could keep adding words and give it to their board. But she feels that having a meeting involving a commissioner, the attorneys and the executive director to work on this agreement is the best solution.

President Frangello-Anderson thinks Commissioner Gengler's suggestion about having a meeting would be a good idea, otherwise this back and forth could go on for an extended period of time.

Commissioner Zaputil had more suggestions on language in the agreement. Ms. Price Cargill said that, if directed, she will set up a meeting.

Ms. Simpson asked for clarification; what she is hearing is that normally the pool is not open between 1:00 p.m. and 3:00 p.m. Is the issue that the school district wanted to use the pool at a time when the pool has not budgeted to have a lifeguard there? If lifeguards were not budgeted for those hours, she can see how that would affect the bottom line. In contrast, how much money has been spent on attorney fees to work up this agreement? If the pool could afford it, why not stay open all day and have the school district rent pool space like all the other groups?

Ms. Price Cargill said the issue is the school district cannot afford the cost of renting the pool.

Commissioner Gengler was enraged when she found out the City was charging the school district \$60,000 a year to rent pool time. Ms. Price Cargill stated that is the cost of operating those two hours every single day when the school district is using the pool.

Commissioner Tyson advised Ms. Simpson that it is state law that says two government entities cannot make a trade where one entity comes up short in the trade.

Ms. Simpson said can they be charged the \$11 an hour, per lane like the synchronized swim team. Ms. Price Cargill stated that the school district does not want just one lane.

Commissioner Gengler wanted to know what the \$60,000 breakdown is. Ms. Price Cargill said that was because they use the whole pool.

Commissioner Gengler said they use the whole pool because the board chooses not to program during that time.

Ms. Simpson suggested having the pool open for the patrons and let the school district know they can use two lanes for PE class. She has observed the class and two lanes would be sufficient for them. Birthday parties that rent the whole pool are not being charged that much. Ms. Price Cargill said it is actually the same rate. Ms. Simpson said yes, but the pool is trying to make money off of those birthday events. Ms. Price Cargill said that the charge for birthday parties is only about two thirds of the actual cost because of the tax levy that covers the difference between costs and income.

Commissioner Zaputil feels the agreement is very close and the sticking points are not insurmountable.

Commissioner Gengler said that one commissioner says it is close, another says no way and she is in agreement with Ms. Simpson to open the pool all day and set up a rental agreement. The TPMPD pays the school district rent on the land; however, the school district used to rent the pool to the City when they had it before King County for \$1 a year. When the TPMPD was formed, the school district could not afford to take the \$1 a year because of the State RCW that Commissioner Tyson spoke about. The school district set the payment of \$12,000, but always has the option of raising that rate.

Commissioner Zaputil thinks that if operations can keep the pool open all day, then it will be a non-exclusive time for the school district and that will take care of the lifeguard issue. She would like to hear operations plan to keep the pool open all day. This may get more people to use the pool.

Ms. Price Cargill wanted to remind the board that she brought this to the board to ask for feedback on the language of the agreement. This is not the school board saying this is the last and final offer. The school district is asking for feedback on the language. As the representative of the board, she would like to go back to the district with some changes.

President Frangello-Anderson feels going back again would not be as effective as four people in a room or whatever the number is, but going back and forth is not working. To fix all the issues with language, it needs to be a face-to-face meeting with the parties involved and the attorneys.

Commissioner Zaputil wondered if there is a consensus from the board as to what the board wants to see and what are the time frames needed.

Commissioner Gengler stated there are two classes; one for the girls and one for the boys at one hour each which means 360 times \$22, which for two lanes is \$8,000. Ms. Price Cargill said that is not what the school district is asking for, however.

Commissioner Gengler asked if that cost is correct. Ms. Price Cargill said that is not always the case, because almost all the classes are in the shallow end.

Commissioner Gengler said one of the concerns she heard from Ms. Simpson was about the quality of lifeguards and the only way the pool can control that is to have their own lifeguards on duty. If their teacher does not show up, that is a different issue. Ms. Price Cargill said it is the school district's policy to not have swimming those days.

Commissioner Gengler's opinion is to approach the school district with the attitude that this can work and make that the goal. The pool will be open whether or not the school district shows up for classes. This would be a great opportunity to reach out to public and say we are open all day, come and swim.

Ms. Simpson said that in the suggested meeting it would be best to have the teacher of the swim classes attend because she will know exactly what is needed to teach those classes.

Commissioner Zaputil thought Ms. Simpson's suggestion of having the teacher at this meeting was a helpful one, even if teaching staff changes, it will still be great input.

Commissioner Gengler agreed because the board and the school district only know so much, but the teacher can really add structure to the class that others may not know. If the pool district says to the school district that the pool will be open all day so the lifeguards will be there, and if the school district wants to rent the entire shallow end, then this is the cost whatever that figure turns out to be. Ms. Price Cargill said the pool has given the school district that exact information.

Commissioner Gengler said that if they only use half of the shallow end, then that is what they rent.

Ms. Simpson feels that the pool will need to know what the ratio of the classes will be to ensure enough coverage. Ms. Price Cargill stated that those ratios need to be worked out.

Commissioner Zaputil agreed that the ratios are not spelled out on what adequate personnel needs are and that should be done for the pool's staffing plan.

Commissioner Gengler said looking at all the other rental agreements, if the pool is providing lifeguards for all the different activities, then there should be ratios and those should be consistent. Ms. Price Cargill noted that there are different rules depending on the type of activity.

President Frangello-Anderson asked for the board to decide where it wants to go from here. She queried what the consensus of the board is on this.

Commissioner Gengler asked if this goes back to the attorneys. Ms. Price Cargill said that is true, the pool has made the request that this goes back to just the attorneys, but maybe that request should be adjusted.

Commissioner Gengler feels that request should be adjusted because the attorneys have done the best they can do, but they do not understand the operational challenges the agreement has. She suggests a meeting with the attorneys and representation from the pool.

Commissioner Zaputil said the pool has some timeline issues, but what is it that the school district needs; those are things the attorneys will know.

Commissioner Gengler said they need to move forward with this and she feels a meeting with the executive director, the president, or designee, and the attorney for the pool will be the best way. She thinks the school district is waiting for their attorney, but the pool would need permission from the school board to speak with their attorney.

Commissioner Zaputil said the board also needs the school district to inform the pool as to what kind of timelines work for them and their attorney would not have that information. By timelines, she is talking about the twenty-day notice, or ninety day or if the board want to offer other deadlines to the school district.

Commissioner Gengler thinks the board should tell the school district that the pool is open from 1:00 p.m. to 3:00 p.m.

Commissioner Zaputil would need more information and feasibility studies to determine if there is a need for the pool to be open during those hours.

Commissioner Gengler said the pool has been open. Ms. Price Cargill said the pool has not been open to the public during those hours. Commissioner Gengler agreed that it was not open to the public, but it has been staffing the pool for the school district and not allowing the public to use it at the same time.

Commissioner Zaputil wondered who is staffing the pool. Ms. Price Cargill said lifeguards. Commissioner Zaputil asked if they are manager lifeguards. Commissioner Gengler asked if last week, when school was out, were there lifeguards present. Ms. Simpson said yes, because there was open swim time. It is usually one manager and one lifeguard and they rotate.

Ms. Price Cargill pointed out the paragraph at the top of page 74 does allow the pool to peruse that option without committing to being open.

President Frangello-Anderson feels that this agreement is very close, but the meeting would be the best solution to getting this settled.

Commissioner Gengler said that without committing to having our own lifeguards, the pool runs the risk of saying we are not open. If we are not going to have lifeguards, then the school district needs to supply lifeguards. Then the concern is the same one that Ms. Simpson voiced earlier.

Ms. Price Cargill felt it valuable to clarify what Commissioner Gengler is saying. If this Board is not comfortable with having the school district staff as lifeguards, and that we do always want to have our own lifeguards on duty, then that is something she would need to know before going into this meeting.

Commissioner Neuffer feels that the TPMPD lifeguards should be on duty. Ms. Price Cargill asked knowing that the cost is more on the TPMPD, is the board comfortable with it.

Commissioner Gengler said for example, if the school uses two lanes, that is a little under \$8,000. What would be the cost for the shallow end? Ms. Price Cargill said that is \$55 per hour. Commissioner Gengler said, for example, they have twenty kids in class, could they use half of shallow end for twenty kids? Ms. Price Cargill said the boy's classes are usually in the shallow end, the girls are stronger swimmers, so they use the deep end more.

Ms. Simpson said the boy's class today was in the five-foot deep area where they could still stand up.

Commissioner Gengler said that if they use two lanes, that is \$22 or half the shallow end for \$27.50, the total would still be under \$10,000 per year. That still falls under what the pool is paying the school district for the lease of the land.

Commissioner Zaputil said if someone just wanted to rent two lanes during those hours, that would not be an option. They would either have to rent the deep end or the shallow end. She would like to see that happen in conjunction with the pool remaining open during the hours of 1:00 to 3:00 p.m.

Ms. Price Cargill stated that if the TSD's use of the pool was limited to what Commissioner Gengler described, then the grounds keeping the school district is providing would go away and the pool would have to pay for grounds keeping.

The commissioners and the executive director discussed the charges for the swimming classes, who provides lifeguards, what portion of the pool is rented, etc.

President Frangello-Anderson said the question becomes is the pool comfortable with supplying two lifeguards?

Commissioner Gengler suggested to have the executive director set up a meeting with executive director, the board president, or designee, and the attorney. Part of that discussion may or may not be about supplying lifeguards. The pool is willing to be open between the hours of 1:00 to 3:00 p.m. and lifeguards would be duty.

Commissioner Neuffer feels the meeting would have to have structure and goals to be successful. There is a sense of urgency because the school year ends in June.

President Frangello-Anderson asked about how to underscore the sense of urgency. Ms. Price Cargill said she can request that the meeting take place within two weeks, but does not know if that will be a successful request.

Commissioner Tyson does not think it is wise to attend a meeting like this without legal representation.

Commissioner Gengler said that the representatives from the pool need to go into the meeting presenting a consistent point of view.

Commissioner Zaputil asked if there is any language the board specifically does or does not want to have in this agreement?

Commissioner Gengler feels intent is the real focus and the language will follow the intent. Because once the intent is understood and agreed upon, the language will follow.

Commissioner Zaputil asked to have the intent clarified. Commissioner Gengler stated that what she is advocating for is that there is an agreement between the

school district and the pool to help get more children swimming in a way that is cost effective for both parties.

Commissioner Zaputil agrees and feels that was always the intent, it is the language that is the issue. Commissioner Gengler thinks the intent is what is different which makes the language unacceptable. She is not comfortable with school district providing their own lifeguard, this presents a safety issue. Their intent seems to be how can this be done without spending any money.

Commissioner Zaputil stated that the intent is in the agreement where it says during periods where the school does not have exclusive use of the pool, then TSD may use areas of the pool and may not have to pay for lifeguards.

Commissioner Gengler said that seems like they are giving the pool a bonus by saying if the pool is open, then TSD gets the lifeguards and does not have to worry about it. However, the pool is saying that we want our lifeguards there instead of the school district lifeguards.

Commissioner Zaputil feels that even if the pool's lifeguards are there, the teacher must be a certified lifeguard as well.

Ms. Price Cargill said that the intent for the teacher to be a lifeguard was put in the agreement with that idea that the TPMPD would not be providing lifeguards. The question then becomes if the pool is providing the lifeguards, is the teacher still required to be a certified lifeguard?

Commissioner Neuffer thought that the school district had that requirement. Ms. Price Cargill said that was the pool's requirement because previously, the teacher was alone at the pool with the students with no one else to help in an emergency and she was not comfortable with that situation.

MOVED BY COMMISSIONER GENGLER TO REQUEST A MEETING WITH THE TUKWILA SCHOOL DISTRICT TO WORK OUT LANGUAGE ON THE INTERLOCAL AGREEMENT TO INCLUDE THE TPMPD EXECUTIVE DIRECTOR, THE TPMPD BOARD PRESIDENT, OR DESIGNEE, THE TUKWILA SCHOOL DISTRICT ATTORNEY, THE TPMPD ATTORNEY, A IDGH-RANKING TUKWILA SCHOOL DISTRICT REPRESENTATIVE AND THE TEACHER OF THE FOSTER HIGH SCHOOL SWIM CLASSES IF POSSIBLE, SECONDED BY PRESIDENT FRANGELLO-ANDERSON. MOTION CARRIED (4-1) WITH COMMISSIONER TYSON ABSTAINING.

c. Board Retreat

President Frangello-Anderson announced that the Board of Commissioners Annual Retreat has been scheduled for April 29, 2017 at Valley View Sewer District

Conference Room from 10:00 a.m. to 3:00 p.m. She will send out evaluation forms to be returned before the retreat.

d. Exposure Control Plan

Ms. Price Cargill presented the Exposure Control Plan. The first draft that was presented in February was based on OSHA standards, this plan has been refined to reflect Washington State Laws. It has been reviewed by our attorney and is ready for the board's approval.

MOVED BY COMMISSIONER ZAPUTIL TO APPROVE THE EXPOSURE CONTROL PLAN AS PRESENTED (CORRECTING THE TYPO IN THE TITLE OF THE EXPOSURE INCIDENT INVESTIGATION FORM), SECONDED BY COMMISSIONER GENGLER. *

Commissioner Neuffer said on page 98, there is discussion about the record keeping and she was curious to know where those records will be kept. Ms. Price Cargill stated that the records are kept in a locked office in a locked cabinet and she is the only one that has the key to that cabinet.

Commissioner Neuffer says that if the pool should close or the district dissolve, those records would have to be given to the Department of Labor and Industries so there is a way to manage the records. Her main concern is security because these files could contain medical records. Ms. Price Cargill stated that the district has been meeting the terms of the state requirements.

Commissioner Zaputil said there are safeguards in place to prevent these files from being purged. Commissioner Neuffer suggested making a call to WCIA to ensure the records are properly stored. Also, on page 98 under Follow-up Procedures, after exposure to HIV, it says *all exposure incidents shall be reported on the OSHA 300 form*, this should be revised to say the *300 A form*. Ms. Price Cargill said she will check with the attorney on which form is correct.

Commissioner Neuffer noted on page 99, number 11, *all tests shall be conducted by an accredited laboratory*. She feels there should be a vendor listed that the district will use. Ms. Price Cargill said the way this is written it does not preclude that and she will work on that.

Commissioner Neuffer had some difficulty understanding the routes of exposure in circumstances where the exposure occurred; however, the routes of exposure is not required on the incident report form. Ms. Price Cargill said, to her understanding, the routes of exposure are intended to mean what was the source of the exposure and then how the incident occurred.

Commissioner Neuffer said there was discussion in this document about having a regulated waste contractor. Ms. Price Cargill said this is wording that is regulated by

state law and the pool would need to set this up. Commissioner Zaputil said that if the pool had a situation where there was regulated waste, the pool would have someone that could be called to pick up the waste.

Commissioner Tyson suggested looking into what the fire department does with its waste disposal.

Ms. Simpson said the pool does need a container to put in bio-hazardous waste and the appropriate bags. Currently, the pool has the sharps containers.

President Frangello-Anderson said that it seems like there is some training that needs to be done in regards to this policy. Ms. Price Cargill said the staff has received the training and will receive the policy providing this is approved by the board.

Ms. Simpson said that having the bio-waste disposed of is expensive.

Commissioner Zaputil likes the idea of inquiring about how the fire department handles their waste and perhaps the pool could partner with them.

***MOTION CARRIED (5-0).**

MISCELLANEOUS

Commissioner Zaputil would like to see more district representation such as the Executive Director who is the district spokesperson at the big pool events such as the Egg Hunt. Ms. Price Cargill said, to clarify, the board president is the spokesperson for the district and she/he can designate the executive director as the spokesperson if they so choose.

Commissioner Gengler asked what events does Commissioner Zaputil feel more district representation is needed. Commissioner Zaputil said the Egg Hunt, the Pumpkin Plunge, the Pirate's, April Pool's Day. These are gaining in popularity, but she feels it is important to have the top people from the district in attendance.

Commissioner Gengler said that it was unfortunate that the Executive Director was unable to attend the Egg Hunt as it was Ms. Simpson's first event with the pool. Perhaps, before these big events, it should be known who can attend. This is not a reflection on either Ms. Simpson or Ms. Price Cargill.

Ms. Price Cargill asked for direction about which events she should be attending each time. Commissioner Gengler said this can be discussed at the retreat.

EXECUTIVE SESSION

President Frangello-Anderson called for a fifteen-minute Executive Session at 9:05 p.m. per RCW 42.30.110(g) to discuss the performance of a public employee. The session was extended by another ten minutes. The meeting resumed at 9:32 p.m.

ADJOURNMENT

**MOVED BY COMMISSIONER GENGLER, SECONDED BY COMMISSIONER,
TYSON TO ADJOURN THE MEETING AT 9:32 P.M. MOTION CARRIED
(5-0).**



Christine Neuffer, Clerk of the Board of Commissioners

