VASHON PARK DISTRICT (VPD) BOARD OF COMMISSIONERS MEETING MINUTES

Teleconference, 7:00 pm **DATE: Tuesday, March 9, 2021**

Commissioners attending: Hans Van Dusen, Bob McMahon, Doug Ostrom, Abby Antonelis

Staff attending: Elaine Ott-Rocheford

ISSUE	DISCUSSION AND OUTCOME	FOLLOW UP
Executive Session	Discuss candidates for Board Position #1	
Call To Order – Review Agenda	Hans called the meeting to order at 7:00 p.m. and reviewed the agenda.	
Public Comment	None	
BARC Project Presentation/ Grant	Judith Neary: Back in 2016, this is the original design of the pump track. Then we expanded the concept when we submitted the permit drawings. We reoriented the pump track to move it away from the trees. It was part of the design process and community feedback. This is where we're headed. The challenge to get this far has been mind-numbing. In the current grant, the parts in yellow are covered. We cannot exceed this original scope of work. COVID hurt us, because we are now seeing cost increases in material and labor. Our grant manager says all grants are struggling because of this. The option to help meet the scope is to have others sponsor various pieces as opposed to being done within the grant agreement. Then whatever is left over with the grant is to build the pump track itself. I applied for a Large Project Youth Athletic Facilities Grant in 2020 with the intent to complete the portions not covered under the first grant. The cool thing about it is that instead of having a 50% match, they dropped it to 25% due to COVID. This fills in the walkways, pods – all outlined in blue – Phase 3. We are ranked 13 out of 25. What we're waiting on in May is for it to go to the Legislature for funding approval. Even if the budget is cut, we rank high and odds are it will work in our favor. Phase 4 is the completion of the park. The walkways, the non-skateable areas, the inclusion of art pieces. My goal here is to find corporate sponsors or individual gifting. An example is the Roy Little Family Foundation. They must gift anonymously. I asked for funding for a project manager, social media and marketing manager, and accounting person. They are funding that. I also approached them for Art for the Barc. They gifted \$5,000. Willoughby wrote a personal check for \$10,000, and her wish is to have a whale tail in the park. Little bits and pieces keep coming together to make this happen.	
	I put this rough timeline together. We got the permit ready drawings completed December of 2019. We went through a pre-app review process that took until February. Then everything shut down. Online submission opened, so we made the online submission May, 2020. We finally got an answer this week. Jeremy: And that was only to tell us it is in the review process. We finally got put in the queue. It is still a 4 – 6 month period from there. Elaine: Judith, did you write to Jim Chan as I suggested? Judith: No, but I will. The person we have been communicating with, I finally started copying Elaine and the grant	

manager, then he finally replied. But from there, crickets. I asked Jeremy to ask about status. The guy replied the same day.

Elaine: The Board is fully aware of the challenges I have had with permitting. One I applied for in June, the other in September. Writing to Jim Chan was my magic ticket. I am close to getting both approved.

Judith: Looking at the timelines, we could potentially have completion by February next year. The next bar, large project, we don't know if we will get this grant. I am thankful for COVID in some regards, because it slowed the process with the first grant, and it could potentially overlap with the second. So they may get built together. Ideally, phase 4 for Art for the BARC could be completed in 2022.

We did a Letter of Interest for a King County Youth and Amateur Sports Grant. Elaine reminded me that the application must be approved by the Board. We are approved to apply. This is for improvements on the indoor building. We hope the KC grant is executable in a shorter amount of time. By making the improvements on the building, it may kickstart interest from the community.

Jeremy: We are proposing improving the exterior walls on the east side with the chain link area. On the north wall, there is a 30 x 17 opening, chain link, as well, with a tarp over it. It kind of keeps the rain out, but when we have windblown rain, it makes the ramps unskateable, since it gets wet. This will replace the existing panels that are old and cracked. They run on the northeast and south side to the top 8 feet. We will frame in the entry on the south wall and the large opening on the north wall. The budget replaces like for like, which is fine for a weatherization standpoint. But there isn't much change in price to do a 29 gauge steel standing seam. The parks maintenance guys said steel would be preferred from a security standpoint. The other parts will include a viewing platform. It will go over the top of the office – an area for parents to sit. There currently isn't a place to sit and watch. Maybe build some stadium style seating. There was a security camera that was stolen – we would replace that. Then paint a commission mural on the south side of the building and include anti-graffiti coating.

Judith: Jeremy has worked on this with Eric. I have a volunteer who can create the permit drawings for the viewing platform. This will be included in the grant application. We have a deadline coming up. Estimated costs are \$26,000. Jeremy: That includes volunteer labor.

Elaine: To be clear about the grant, this is the KC grant we are also applying for for the pool. It is a no match grant. For a \$26k ask, they are in good shape for being granted this. We'll have to go before the school board for approval, as well. This should go a long way toward mitigating the break-ins, as well.

Hans: Thank you for all you are doing for that facility. My observation is the natural lighting from the vinyl – it doesn't hold up as well as the steel, but I appreciate the natural lighting from the clear vinyl. On the exterior, the graffiti is a great look for the building. Maybe you can work with youth to create more murals.

Abby: Didn't we just talk about the paint and the covering for murals?

Elaine: That's what Jeremy was talking about – using a coating that preserves what we want and wash off what we don't.

Abby: Motion to support the KC grant application for repairing the BARC building.

Bob: Second.

Elaine: We'll need to suspend the rules, because the application is due March 24.

Bob: Motion to suspend the rules.

Abby: Second.

Pass 4-0

Motion for the grant: Pass 4-0

Motion to support the KC grant application for repairing the BARC building. Pass 4-0

Motion to suspend the rules. Pass 4-0

Appointment of	Hans: We discussed this in Executive Session so need to make a motion to select.	Motion to
Interim Board	Doug: I move that we nominate Josh.	nominate Josh
Position #1	Bob: Second.	Henderson to
	Abby: Karen is here if she wants to say anything.	Board Position
	Karen: I'm all for Josh. I think that is a great choice.	#1.
	Hans: We would like to appoint them at the next board meeting, so we should suspend the rules.	Pass 4-0
	Bob: Motion to suspend the rules.	Motion to
	Doug: Second.	suspend the
	Pass 4-0	rules.
	Motion: Pass 4-0	Pass 4-0
	Hans: Since Karen is here, I really appreciate your work on the Board, and your contributions and brilliance over the	
	years. You have a lot of great insight on the island and management. It's been a pleasure having you serve the residents on the island.	
	Karen: I have had a great time, and it's been a great pleasure working with all of you.	
	Bob: Enjoy your travels!	
	Doug: And don't be a stranger.	
	Karen: I'm hoping I can volunteer in the future.	
	Hans: I propose that we dedicate a play structure at Ober in your name.	
2.23.21 Minutes;	Elaine: Quick note about the minutes at the last meeting, Hans said the Board appointment goes from the time	Motion to
2.22.21 - 3.5.21	sworn in to end of October. Actually, it goes through the end of the year. Whomever is elected in November starts	approve the
Preliminary	first of January.	2.23.21
Vouchers	Bob: Motion to accept as presented.	Minutes;
	Doug: Second	2.22.21 -
	Pass 4-0	3.5.21
		Preliminary
		Vouchers
		Pass 4-0
VES Lights	Elaine: At the last meeting I reported that the new sport lights have resulted in an onslaught of complaints from the	1 455 4-0
VES Lights	neighbors. I reported that we have attempted several strategies to mitigate the spill, like reducing the capacity to	
	50% and using only the inner lights, but that has not reduced the glare enough to the neighbors.	
	Doug recalled statements made by the light manufacturer, Qualite, that spill to the neighbors would be minimal,	
	which informed your decision to approve the light installation project. Doug was correct in his recollection. Evidence	
	of those statements is included in your board packet, including sales material that claimed the lights would "paint	
	the playing surface with smooth light and keep your neighbors dark and happy." Qualite also included an illumination	
	analysis exclusive to VES Fields, assuring that spillage would be minimal.	
	We discussed the purchase of light shields for \$39k that would help mitigate the problem. I reached out to Qualite	
	stating that we feel we were potentially misled regarding their claims. I asked that they provide the shields to the	
	District at no cost unless they can provide an effective alternative solution. I have not received a response. I shared	
	all this with the neighbor group who responded by saying they were happy to learn of our attempts to remedy this,	
	since collectively they were discussing taking group legal action.	
	Since confectively they were discussing taking group legal action.	

If nothing comes of this with Qualite, Abby pointed out at the last meeting that we have an understanding with the sport groups that they would pay all costs. That was part of Doug's resolution concerning the approval of the project, also in your board packet.

We also discussed organizing a meeting at VES with David Hackett and the neighbors. Do you wish to proceed with this?

Hans: Sounds like a meeting on site at night would be a good idea.

Bob: I would like to be there.

Abby: Me, too, but have any of you driven by and seen the lights? They are offensively bright.

Bob: Let's find a date when the lights are on.

Hans: David represents the soccer side. Might LaCrosse want to send a representative? I think we should reach out to them, so both sides are represented.

Doug: What would be the neighbors' basis for suing the Park District?

Elaine: I didn't get into it with them. I would assume light trespass.

Doug: One of those brochures listed different types of light pollution. It is possible that the company's defense will be that they don't have trespass issues, as they are compliant with what they said they would do; it's just that the neighbors don't like what they are doing.

Bob: Is it really trespass? Or you have this big bright thing going on on an island that is pitch black. It might be different in a city. We need to have the meeting to experience it. Abby, what did you mean you wanted us to drive by before the meeting?

Abby: Just to see how it is. It's like the sun is pointed at you. I would be mad about it.

Bob: But we'll be meeting to see just that.

Abby: If you do it before, you will know, so it's not the first time you have seen it.

Doug: Is there a difference between looking out a window and seeing a sheet of light, or is it something that is keeping people awake at night? Which would be considered trespass?

Elaine: We turn the lights off at 9:00, so I don't think the sleep thing is the issue.

Doug: But they still don't like the room being bright.

Hans: It will be good to hear what their light concerns are, even times of day. And what are initial thoughts about investing in more hardware? Asking the sport clubs to support that financially?

Bob: They were supposed to pay for the whole thing, so we would have to at least start there.

Doug: VES has been called the gift that keeps on giving. The last few years, we have resisted putting more VPD money into it. This seems like more of that. That said, this is a lot of money to ask the sport groups to put up. I don't know what our alternatives are.

Bob: We need to take a look at the problem, find out what these shields would do, and if they would solve the problem. This meeting will be a good start to understand the problem. Did you say the light manufacturer rep will be there?

Elaine: they are out of state.

Doug: They said reflector type lights don't really work, which is why their product is superior. It sounds like we are going back to that. What is the difference between a shield and a reflector?

Elaine: I think the shield goes on the outside of the light and blocks the light spilling out.

Hans: I concur we have expectations of the sport clubs to continue their leadership and potential support on this. We'll learn more about the options through hardware and operational opportunities. Understand the solutions.

Hay Sales at Paradise Ridge

Elaine: It has recently come to my attention that members of the equestrian community are using Paradise Ridge for hay delivery sales from several different hay provider companies. This is a violation of park rules in two areas. One rule addresses no sale of goods and services allowed; the other does not allow commercial trucks on park properties.

The first rule states park facilities can be used for commercial purposes if secured through an RFP process, concession contracts, or by special use permits. They are requesting that the Board make an exception to these rules based on the providers responding to a special permit or Request for Proposal process, where they would need to provide insurance and agree to indemnify the District. It must be open to all who wish to participate. I believe there

are three or four of them. Understand that this process would typically be done for the benefit of the District (like securing food vendors for Concerts in the Park), and not for the benefit of particular users. I have asked that they find another non-public-property location, but they prefer to use the park due to its convenience. Motion to make exception needed.

Abby: I completely believe this is not okay. There are many other places this can happen that are not funded by taxpayer dollars.

Elaine: I explained that when we open it up to one commercial activity, you have to open it up to the next guy. Abby: The rules are clear. It's no – plain and simple.

Bob: Is this a group order, and they bring the hay in, and everybody picks up what they bought? Or is the hay seller setting up a sales operation on the spot?

Elaine: It's the former. These are smaller farms. One problem is they don't have appropriate access to bring the trucks on their property. Also, they don't need to take that much in a delivery. Apparently, there is a minimum load, like 10 tons, and they divide that up amongst those who only need like 2 tons.

Abby: I order 2-5 tons of hay a year. Sometimes I do it in bulk like this. I would never expect it to be on public property. There are many farms that host this type of thing. I have offered to dole this out on my property, but nobody took me up on it. I am adamantly against this.

Bob: Same here. We get hay every year, and it gets split up, and a guy brings it over on a smaller truck for us. Abby is right that this is wrong.

Doug: How is this different from the little store run by the Pt. Robinson Keepers? Is it different?

Elaine: It is different, because the Keepers' sales fund projects for the park. It is for our benefit.

Doug: Whose hay delivery is this for? VPD does not get any money out this?

Elaine: Correct. It's for the park users whose farms are too small to take hay deliveries, so they have it brought to the park, which serves as the meeting place to pick it up.

Doug: Could the Park District charge a rental fee or take a percentage?

Elaine: We certainly could via an RFP process.

Abby: I would be amenable to it if we had a formal agreement.

Elaine: Are you suggesting I run an RFP that gives us a cut of the deal?

Hans: I am not suggesting that. It sounds like, from Bob and Abby's personal testimony, there are other location options. It's not mission critical that we are in the hay distribution business. We aren't going to make any money off it, and I wouldn't have Elaine's time spent on that.

Abby: I agree.

Bob: It also makes a huge, huge mess that somebody has to clean up. It's impossible to get it all. We should keep it simple and stay out of it.

Abby: Definitely.

Hans: Do you have a good communication channel where you can explain all this? Elaine: Yes, and I will copy Char Phillips, head of VMIHA, who is supportive. Hans: It's pretty simple – it is against policy. **Board Policy** -Elaine: When we ran the ad in the Beachcomber for candidates interested in the interim Board position, a citizen wrote in and asked about the requirement that the candidate not previously have been convicted of a felony. Her Commissioner concern was that it would seem to be discriminatory and disproportionally prevent people of color from serving. I **Duties and** thought it was an interesting question, more so due to the recent media coverage of a new State Representative Qualifications being the first elected to the legislature formerly convicted of a felony drug charge. One of her goals is to give people "a first chance so they won't need a second chance later on in life." I looked up RCW 36.69.120 to see if it is a legal requirement pertaining specifically to Park and Recreation Districts. That RCW only notes the first four requirements in the policy. I then reached out to the MRSC legal team and asked about this. They said: "RCW 42.04.020 requires that a park district commissioner: (1) be a U.S. citizen; and (2) an elector of the district. If a commissioner is convicted of a felony while in office, they must vacate their office. RCW 42.12.010(5). If the candidate for the vacant commissioner position has a previous felony conviction, they may be eligible to hold office if their right to vote has been restored. Restoring the right to vote is covered under RCW 29A.08.520, which states in pertinent part: For a felony conviction in a Washington state court, the right to vote is provisionally restored as long as the person is not under the authority of the department of corrections. For a felony conviction in a federal court or any state court other than a Washington state court, the right to vote is restored as long as the person is no longer incarcerated. In sum, under state law, so long as the candidate is a U.S. citizen and they have had their right to vote restored pursuant to the above, they are eligible to serve as a district commissioner." Doug: So somebody stuck the felony part in there, although it is not a state requirement. Elaine: What is interesting, though, is what if the felony conviction was child rape? If you all were subject to a background check, and that showed a child molestation charge, then we're back to square one. I wonder if it depends on what the felony was. Hans: So there are a couple questions here: when should we have background checks on candidates or board members or employees? Bob: Are there classes of felonies? Maybe there are some where we don't care and some that we do. Elaine: On the other hand, if they have done the time, that could be considered discriminatory. Hans: But the advice you got from the MRSC attorney didn't distinguish this flavor or that flavor. If their voting rights are restored, they are good. My intuition is that we should wipe that out. Maybe related is when we need background checks of elected or employees of the District. Elaine: Employees are required. Abby: If you are a child rapist, do you get your voting rights back ever? Elaine: That's a good question. I don't know. I'll do some research on that. How do you get your voting rights **Action Item** restored, and why would they not be?

	Abby: As I pose that question, we can defer to others who have done the work. There is a reason you get your voting	
	rights back, and we can say we're behind that.	
	Hans: Do we require background checks on any types of employees?	
	Elaine: We require background checks on all employees. There is an RCW that drives that, in addition to contractors	
	and volunteers who potentially have unsupervised access to the vulnerable: children, the elderly, disabled.	
	Hans: My intuition is that board members only need background checks if they volunteer or participate in something	
	where they would have unsupervised access to the vulnerable. Just to be on the board would not be required. We	
	may or may not know about a prior felony if we just cross that line out. I think that would be appropriate.	
	Doug: There are some things we would care about, like felony conviction of embezzlement. I don't think we want to	
	differentiate between felonies. The law says they served their time, and they're okay now, so that is the best we go	
	with. Board members are not necessarily in a different situation. There are a lot of felony convictions we would	
	worry about amongst board members. I think we should strike the line as Hans said.	
	Abby: I agree. With the spirit it was presented, it does affect people of color. We have some thinking to do on it. I	
	don't want a person that is a child predator on the board.	
	Bob: If we're going that way, that indicates we need background checks on board members.	
	Abby: Then it opens up the question about what is the felony that is okay and what is not?	
	Hans: We can make a motion tonight, then vote on it next meeting, so we can do some thinking on this. And next	
	meeting discuss background checks on board members, as well.	
	Bob: If we remove it, then it's gone, and we don't have a basis for making decisions about who is a commissioner and	
	who isn't. Even if we do background checks, we still need to decide on things that might turn up in a background	
	check.	
	Elaine: Would you like me to do some more digging on that? Like how a felony conviction for child rape might affect	
	our decision about having them on the board.	Action Iten
	Bob: I would be curious about how other similar commissions deal with this.	Action Iten
	Doug: A felony is a felony. If we have a restriction against felonies, it should be relevant to a board position, like	
	embezzlement. Child molestation is serious but not necessarily relevant to a board position. We either say felonies	
	are not disqualifying, or they are disqualifying.	
	Hans: There is an issue of being elected or appointed commissioner has been previously convicted and served your	
	time. And there is an issue of awareness. It might be one thing where we allow prior felons to be board members,	
	and another that we require awareness – background checks. Types of felonies – have people dealt with that at all?	
	Child molestation and embezzlement are good examples, and what is the protocol for background checks for board	
	members.	
	Abby: It's a question of what we stand for.	
	Elaine: I will do more research and report back next meeting.	
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	Bob: There are different levels of felonies. That may be a way through this.	
	Elaine: I also think it would be good to know what goes into someone getting their voting rights restored. What	
	precludes it.	
	Abby: That would be the first answer.	
ff Reports	<u>HB 1034</u>	
	Elaine: As announced last week, we have passed the House! We are now in the Senate Ways and Means. I	
	wrote to Senator Nguyen to ask for his support in ushering the bill through but did not receive a response. I	

copied Joe Fitzgibbon and our lobbyist, so hopefully they will have some sway. I have checked daily to see when we are on their agenda, but nothing yet. I am hoping for some guidance from Fitzgibbon when the time comes. I have organized a group of Pony Club members through Sarah George to write to all the members of the Ways and Means Committee, and I will do the same when we are on the calendar. Hopefully, we will be able to testify.

VES Restroom

Elaine: I put the restroom grading and pad installation out to bid and am currently working on getting Doug Hoffman under contract. I did submit his contractor number to KCDPER, so hopefully we will get the Building Permit any day now.

Pool Grant

Elaine: We were invited to apply as of March 2. I will have that in this week. It is due March 24. Again, the grant will be up to \$300k for pool repairs, including repairing or replacing the parking lot lights, a new pool slide, new hot water heaters, replacing the boiler burner, repairing the solar system, and redoing the plaster liner.

Ober Park Project

Elaine: I was hoping to just give you a status update when I put the agenda together last week. Where we left it from the last report, we were finalizing some revisions to the specs to obtain the clearing and grading permit from King County. One of the requirements is that we have 12" of wood chips, but in the original specs we assumed we had 6" of existing salvageable chips we would scrape off and reuse. Turns out all the chips out there are a soggy mess. We are confident they are not reusable. Also, over the past two years since we did the original costs, wood chip and concrete costs have gone up considerably – 50% in the case of concrete. We also have to add 2 ADA concrete ramps. All told, the cost increase amounts to \$34,000. We are looking for ways to bring that down, but that is likely it.

I have updated our financials for February and removed the projects we decided to table until we know if our House Bill passes. Pushing off projects like ivy remediation and grading the BARC lower field in addition to likely having significant savings in Recreation Programming gives us a cushion of \$146,000 over our budgeted reserve. I need you to approve an additional \$34k for this project.

Now, one way to look at it is that every few years we have to blow in more chips to the tune of \$15k, budgeted to maintenance. One thing we are working on in the contractor bid is to have our maintenance install drainage, which should increase the life of the chips, hopefully at least double. So the ROI on the \$34k comes back to us in chip savings over @ 10 years onward.

Bob: Would they just lay in pipes under the chips?

Elaine: I don't know their plan, but Shawn and David Hopper are working on a plan. David is experienced in this. There is a drain that runs through the park to the drainage ditch at the road they are planning to link to. Bob: This would be the time to do that if it's down to dirt. It's a great opportunity.

Elaine: When we had the drainage as part of the plan before, the idea was to have the contractor do it, and it was more elaborate and expensive. We don't feel it needs to be that elaborate.

Pass 4-0 Motion: Pass 4-0. Hans: Remind me on the dock and the lighthouse again. On the dock, the tribes might be okay, but DNR is not okay. Elaine: I have not received a response from the tribes yet. I'll reach out again. He had a couple meetings. I have not sense from the tribes at all. DNR is very much opposed to pile wrapping in the geoduck track but might be amenable to a floating dock if the tribes agree. Abby: I'm confused by that. Hans: The current status is to get feedback from the tribes about our options. It strikes me as a spectrum of impacts on the fishery and a spectrum of impacts on the park and our users. I wouldn't want them to make a decision without knowing the impact on the park and the users. There are impacts to the geoducks, but those structures have a variety of cost profiles, use profiles, and long term maintenance profiles. We would want to see the science. Hopefully, we have more conversation with the tribes as they make their decision. Abby: We want to support the fishery. The Tribes have precedence here. We should push back on DNR if they oppose the tribal biologist. Are the tribal biologist and DNR on the same page? Elaine: I don't know. The tribe has not weighed in yet. Doug: Does DNR have their own agenda? That may be complicating things, because the tribes may not be as strong willed as DNR. If that's the case, what are our options? Hans: And the lighthouse? You finally got a response on something. Elaine: I got the response from Beverly about forwarding the new lease on January 28, and here it is, five weeks later,	Motion to suspend the rules. Pass 4-0
Adjourn Doug: Motion to adjourn. 8:30 pm Bob: Second	Motion to adjourn; Pass 4-0

Minutes by: Elaine Ott-Rocheford