

**BAINBRIDGE ISLAND METROPOLITAN PARK & RECREATION DISTRICT
 REGULAR BOARD MEETING October 3, 2024
 STRAWBERRY HILL CENTER**

CALL TO ORDER: A quorum being present, the meeting was called to order at 6:00 pm by Chair Swolgaard.

BOARD MEMBERS PRESENT: Tom Goodlin, Dawn Janow, Jay Kinney, Tom Swolgaard.

ADJUSTMENTS TO AGENDA: Item 40.4 will be removed from the agenda. An executive session will be added for litigation after the work session.

MISSION STATEMENT: Chair Swolgaard read the Park District’s mission statement: The mission of the Bainbridge Island Metropolitan Park & Recreation District is to build a healthy community through effective, sustainable stewardship of the District’s parks and open space, and through the development and delivery of innovative cultural and recreation opportunities.

PUBLIC COMMENTS

Adam Hunt spoke on three items: 1) he claimed the board authorized the Park District to pay a Seattle law firm over \$200,000 after he dismissed the recall petitions that he filed against four commissioners in May of 2023, 2) Commissioner Kinney, who is an attorney, filed a petition for review less than one week ago with the Washington State Supreme Court, and 3) he read a quote from Commissioner Janow from the May 18, 2023 board meeting in which she spoke about kindness and working together.

Loanne Harmeling spoke in support of Adam Hunt.

Bill Hunt spoke in support of Adam Hunt.

Dave Johnson spoke in support of Adam Hunt.

Jim Maughan spoke in support of Adam Hunt.

Loanne Harmeling said Bainbridge Island Recreation Center belongs to everyone and she would like to find something else to name after Terry Lande.

BOARD CONSENT

APPROVAL OF MINUTES:

Upon hearing there were no corrections to the minutes of the September 19, 2024 regular board meeting, Chair Swolgaard stated the minutes stand approved as submitted.

APPROVAL OF PAYMENTS: MSC: Janow/Kinney: I have reviewed the following vouchers, warrants and electronic payments and move that they be approved for payment.

Batch Date	Fund Number & Name	Warrant Numbers	Total Batch Amt	Pre-Approved
09/16/24	001 General Fund 300 Capital Improvement Fund	28616-28659	250,639.41	09/16/24
09/20/24	001 General Fund 300 Capital Improvement Fund	28674-28700	350,726.88	09/20/24
09/25/24	001 General Fund	28706-28738	3,687.87	09/25/24
	001 General Fund (Sept. Payroll)	EFT & 3351-3357	435,432.74	
	001 General Fund (Sept. Payroll Benefits and Taxes)	EFT & 10026-10033	291,695.55	

GENERAL BUSINESS

EXECUTIVE DIRECTOR JOB DESCRIPTION UPDATE: Commissioner Janow said the board has been looking at the executive director position and updating the job description. She shared a draft job description for the commissioners to review. Commissioner Goodlin made some suggestions for updating the job description. After some discussion the board decided to table the conversation and send the draft job description to the Personnel Committee for review and then the committee will present a draft to the full board.

HIRING – EXECUTIVE DIRECTOR: Commissioner Kinney said when Executive Director Terry Lande told the board he was going to retire the board did not want to change the direction the Park District was going. Acting Executive Director Dan Hamlin has been with the Park District since 2006, and the board decided to give him a chance to take on the role. The board has observed Dan Hamlin in the role and gathered information from the public. It has been a difficult year and Dan Hamlin has done an exemplary job. He cannot think of a better person to entrust the Park District with. Dan Hamlin has his hearty recommendation, and he thinks Dan Hamlin will be an excellent executive director. Commissioner Goodlin said he has been very pleased with Dan Hamlin's responsiveness and interactions with the board, staff, and the community and he supports Dan Hamlin. Commissioner Janow said this is an important decision and she has also been impressed with the work that Dan Hamlin has done and wants to give him as much support as possible. She thinks his granular level knowledge earned by working his way up through the Park District is important. He is a strong communicator and good at working with people. Dan Hamlin knows the players on Bainbridge Island and has established relationships with community partners.

Ron Piland asked Dan Hamlin how he plans to manage relationships with the major agencies on the island. Dan Hamlin said the major public agencies meet regularly to talk about challenges. He is building on his established relationships by participating in the Rotary Club. In his role as park services division director, he drafted two interlocal agreements that are in force today, one with the City of Bainbridge Island for shared services and one with the Bainbridge Island Fire Department for landscaping.

Commissioner Swolgaard said Dan Hamlin is not a rubber stamp of Terry Lande. Dan Hamlin has his own ideas and goals for the Park District including for getting Capital Improvement Fund projects prioritized. Commissioner Janow said the board has received multiple recommendations for Dan Hamlin from various community members. **MSC: Kinney/Goodlin: Move that Dan Hamlin begin his position as full-time executive director on November 1, should he accept the position.**

RESOLUTION 2024-10: HONORING TERRY LANDE: Commissioner Janow read the resolution honoring Executive Director Terry Lande. **MSC: Janow/Kinney: Motion to pass Resolution 2024-10.** Acting Executive Director Dan Hamlin said Terry Lande was an inspiring leader. While they did not always see eye-to-eye, that was never an issue because they could always talk things through. He can honestly say that unlike other people he has worked for, to this day he still learns from Terry Lande who willingly shares his knowledge, and he appreciates that about him.

STAFF REPORT

Administrative Division: Assistant Executive Director Amy Swenson said a check for \$80,000 was received from the tennis community towards their contribution to the building of the new tennis courts at Sakai Park.

Recreation Division: Recreation Division Director Madison Collins said the new recreation software will go live in May of 2025 and replace the multiple systems currently being used.

Park Services Division: Park Services Superintendent Lydia Roush said final design has been received for the Meigs Park trail and boardwalk project. The manual was received for the bike park at Strawberry Hill Park. Earth Corps is working this week to clean up Styrofoam at Hawley Cove Park.

Acting Executive Director Dan Hamlin said the contractor for Phase I of the Ray Williamson pool renovation is making good progress. The preparation for the new tennis courts at Sakai Park will be done by the middle of October but the courts are likely not going to be coated until spring as that process is dependent on weather conditions. The target date for moving into the new administration office is November 1.

BOARD MEMBER REMARKS:

- Commissioner Janow said she was at the Park District booth at the Farmers' Market two weeks ago.
- Commissioner Kinney said considering the public comments this evening he thinks it is necessary for him to say something about the recall situation. Last week he finished a petition for review in the Washington State Supreme Court related to the recall of four Park District commissioners filed by Adam Hunt in May of 2023. He is an attorney, and it took him seven full days to write the petition, so he is very familiar with the law and the facts regarding why the commissioners are pursuing it. Starting in March 2023 Adam Hunt came to a board meeting and advocated for a new pool and shortly thereafter he advocated for a field house. At the time the price tag on both those items was thought to be well over 50 million dollars. It became contentious and Adam Hunt started to threaten the commissioners with a recall. In Washington State, unlike in any other state, you can only file a recall if you have cause. The cause must be that an elected official violated a law or violated their oath of office in an extreme manner; it is a very high standard. Adam Hunt then made clear to the commissioners that he would drop the recall if they went forward with his ideas for the pool and the field house, it was a quid pro quo. There was a very contentious and uncomfortable board meeting on May 18, 2023. The next day the board held a special board meeting and voted to authorize hiring attorneys based on the statute that allows the Park District to pay for attorneys to defend elected officials from recalls. By that time, Commissioner Kinney had already spent eight days working on the briefs because at that time he thought he would have to defend the commissioners in Superior Court. Adam Hunt showed up at the special board meeting and said that if the commissioners moved forward with planning for the pool and field house then they could talk about the recall going away. Commissioner Kinney told him at that meeting that the board is not going to get themselves in a situation where someone comes in and files a recall petition to force the board to make a policy decision they do not want to make. About four hours later Adam Hunt sent an email saying he would withdraw his recall motion, but he left town and there was no guarantee it would be dismissed or dismissed with prejudice. After work had been completed by the attorneys for the commissioners it was discovered that the recall was dismissed with prejudice. The case law makes clear that if someone files a frivolous recall petition which is not grounded in the law and facts, and they have a bad faith motive they can be made to pay attorneys' fees and costs. At that point the commissioners filed a sanction motion to recover the money spent up to that point and Adam Hunt had the opportunity to respond to it. Adam Hunt could have explained the law he thought the commissioners violated and the facts that showed that they violated it. Adam Hunt did not do that, instead he went after the commissioners because he thought they were not doing a good job and in his view the commissioners were not doing the job they were elected to do. The trial judge did not look at the merits of the recall charges rather she looked at Adam Hunt and thought he had a good faith belief that the commissioners were not doing the job they were elected to do, which is not the legal standard. At this point the commissioners were worried about recovering the money and that a bad precedent would be set. There are recalls going on all over the state and due to the current political climate, it is a dangerous time to have a bad recall precedent. The commissioners appealed to the Court of Appeals and the Court of Appeals misread the trial judge saying the trial judge made a finding that Adam Hunt had good faith belief in the merit of his recall charges which is a misquote because the trial judge did not say that. Then the Court of Appeals came up with a whole new standard about looking at something called the totality of the circumstances which is not the standard that the Supreme Court has set out in three cases. At that point the Park District had spent a lot of money on Attorney Tom

Ahearne's law firm Foster Garvey and did not want to spend any more. Commissioner Kinney decided to write the petition for review to the Supreme Court for himself and the other commissioners if they wanted to join and they did. He submitted the petition for review and Adam Hunt has 30 days to respond to it then the Supreme Court will look at it and decide about the decision made by the Court of Appeals. The intent of the commissioners is not to harass Adam Hunt, their intent is to collect damages if allowed by the court and to ensure that the recall law set out by the Supreme Court is followed. A person has a constitutional right to file a recall if the charges have a basis with merit, and Adam Hunt has a constitutional right to criticize the commissioners and tell them they are awful. However, Commissioner Kinney does not think you can file recall charges without a basis if you are trying to force a quid pro quo deal. Commissioner Janow noted that there has been a tremendous amount of staff time and legal fees spent related to fulfilling public records requests filed by Adam Hunt. Acting Executive Director Dan Hamlin noted those costs are in addition to the costs of the legal fees related to the recall itself and are not recoverable. Commissioner Kinney noted that before Tom Ahearne finished his brief in the trial court, he asked Adam Hunt twice if he wanted to settle the matter and Adam Hunt declined.

Ron Piland asked if Adam Hunt formally engaged in the recall. Commissioner Kinney said yes, Adam Hunt filed five recall charges against four of the commissioners. Ron Piland asked what Adam Hunt cited. Commissioner Kinney said Adam Hunt did not cite the metro park district law which covers the Park District, he cited county park law. The legislation that creates the Park District gives the board broad authority and discretion to administer the Park District. Two of Adam Hunt's recall charges dealt with the fact that the commissioners were not building a new pool or a field house, yet in their discretion they do not have to. The Park District does not have the money to build those facilities, and there is a myriad of Supreme Court cases that say you cannot recall an official for a discretionary act.

MEETING ADJOURNED to a five-minute recess at 7:04 pm with announced time to reconvene at 7:09 pm.

MEETING RECONVENED at 7:10 pm for the budget work session, the minutes from the work session are a separate document.

MEETING ADJOURNED to a five-minute recess at 9:55 pm with announced time to reconvene at 10:00 pm.

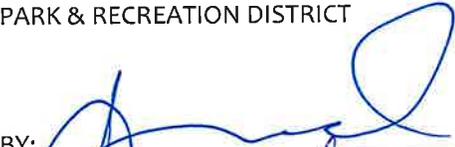
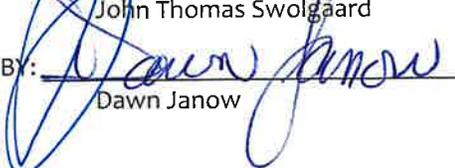
MEETING RECONVENED at 10:00 pm.

MEETING ADJOURNED TO EXECUTIVE SESSION at 10:00 pm for discussion of litigation with announced time to reconvene at 10:05 pm.

MEETING RECONVENED at 10:05 pm and **ADJOURNED TO EXECUTIVE SESSION** at 10:05 pm for continued discussion of the above item, with announced time to reconvene at 10:10 pm.

MEETING RECONVENED at 10:10 pm and **ADJOURNED** at 10:10 pm.

Helen Stone
Dan Hamlin
BAINBRIDGE ISLAND METROPOLITAN
PARK & RECREATION DISTRICT

BY: 
John Thomas Swolgaard
BY: 
Dawn Janow

BY: 
Kenneth R. DeWitt

BY: _____
Jay C. Kinney

ATTEST: _____
Tom Goodlin