

AGENDA

**Bainbridge Island Metropolitan Park & Recreation District
Regular Board Meeting 6:00 pm
Thursday – February 17, 2022**

Zoom Virtual Meeting

<https://zoom.us/>

1 253 215 8782

Please click the link below to join the meeting:

https://us02web.zoom.us/j/89401771801?tk=XOHWooG8n5lxSgAJH3vCtjS4QFwctNd3tHzdDRB0qsk.DQMAAAAU0MLHGRZDN2RhZfVvQVQxR3VOOUhQM3VsOEJnAAAAAAAAAAAAAAAAAAAAAAAAAAAAAA&pwd=cmtncHB1NTFueWlua2lvOERXVXczUT09&uuid=WN_gmgJiUFASvGJr0SfUIRBxA

Webinar ID: 894 0177 1801

Passcode: 447480

Participant ID: 311255

10. CALL TO ORDER

- 10.1 Roll Call
- 10.2 Adjustments to the Agenda
- 10.3 Conflict of Interest Disclosure
- 10.4 Mission Statement

20. PUBLIC COMMENTS (Oral Communications from Audience)

- 20.1 Public comments on topics not itemized elsewhere on the agenda. Please sign-in on the chat to speak and state your full name at the beginning of your comment.
Action: Information only.
- 20.2 Public comments on agenda topics. Please sign-in on the chat to speak and state your full name at the beginning of your comment.
Action: Information only.

30. BOARD CONSENT

- 30.1 Minutes: Regular Board Meeting of February 3, 2022
- 30.2 Financial: Approval of vouchers and payroll.

40. UNFINISHED BUSINESS – none

50. GENERAL BUSINESS

- 50.1 Open Government Training: Records Management and Retention Basics
Action: View Washington State Archives training video. Stone (45 min)
- 50.2 Resolution 2022-04:
Amend Resolution 2021-08 regarding Employee and Volunteer COVID-19 Policy
Action: Motion to approve. Lande (15 min)
- 50.3 Board Retreat Agenda
Action: Information only. DeWitt (15 min)

60. DIRECTOR'S REPORT

- 60.1 Director's Report
- 60.2 Upcoming Meetings/Work Sessions/Events

03/10/22	Board Retreat	6 pm
03/17/22	Regular Board Meeting	6 pm
03/24/22	Board Retreat	6 pm
04/07/22	Regular Board Meeting	6 pm

70. BOARD MEMBER ITEMS

- 70.1 Remarks from Board Members
- 70.2 Board Member Committee Reports

80. WRITTEN COMMUNICATIONS

90. ADJOURNMENT

100. ADJOURN TO EXECUTIVE SESSION IF NEEDED

110. EXECUTIVE SESSION

120. RECONVENE TO REGULAR SESSION

130. ADJOURNMENT

Board Committees

2022 Board Representatives

Governance	DeWitt/Kinney
Capital Facilities	Janow/Kinney
Program	Janow
Budget & Finance	DeWitt/Goodlin
Personnel	Janow/DeWitt
Ad Hoc Committee: Forest Management	Swolgaard/DeWitt
Ad Hoc Committee: Sakai Site Planning	Goodlin/Swolgaard

Board Liaisons

Park District Committees:	
Trails Advisory Committee	Swolgaard/DeWitt
Dog Advisory Committee	Kinney/Janow
Community/Public Agencies:	
Bainbridge Island Parks Foundation	Janow/Kinney
Intergovernmental Work Group (IGWG)	DeWitt/Kinney
Bainbridge Island School District	Kinney/Goodlin
City of Bainbridge Island	Janow/DeWitt

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.

**BAINBRIDGE ISLAND METROPOLITAN PARK & RECREATION DISTRICT
REGULAR BOARD MEETING FEBRUARY 3, 2022
ZOOM VIRTUAL MEETING**

CALL TO ORDER: A quorum being present, the meeting was called to order at 6:01 pm by Chair DeWitt.

BOARD MEMBERS PRESENT: Ken DeWitt, Tom Goodlin, Dawn Janow, Tom Swolgaard.

ADJUSTMENTS TO AGENDA: Move item 50.4 for Resolution 2022-03 to the beginning of General Business before item 50.1 for Open Government Training and remove the Executive Session.

MISSION STATEMENT: Commissioner DeWitt 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.

BOARD CONSENT

APPROVAL OF MINUTES:

Upon hearing there were no corrections to the minutes of the January 20, 2022 regular board meeting, Chair DeWitt stated the minutes stand approved as submitted.

APPROVAL OF PAYMENTS: MSC: Goodlin/Janow: 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
01/20/22	001 General Fund	22288-22305	21,960.15	01/20/22
01/26/22	001 General Fund 300 Capital Improvement Fund	22403-22454	68,704.50	01/26/22
	001 General Fund (Jan. Payroll)	EFT & 2922-2937	498,133.57	

GENERAL BUSINESS

RESOLUTION 2022-03: SUPPORT FOR NAMING PICKLEBALL OFFICIAL WASHINGTON STATE SPORT: Commissioner DeWitt said as of yesterday the Washington State Senate has passed Bill 5615 to name pickleball the official Washington State sport and it has moved on to the House of Representatives. **MSC: Swolgaard/Janow: Move to approve Resolution 2022-03.** Commissioner Swolgaard said this is awesome. Commissioner DeWitt said he thinks this is great and he is glad to see that Senator Rolfes is a cosponsor of the bill and he hopes that the local members of the House of Representatives will support the bill as well. Commissioner Janow said this is another feather in the cap of this community and she is in full support.

OPEN GOVERNMENT TRAINING: PUBLIC RECORDS ACT BASICS: Executive Services Manager Helen Stone said this is the second of the three required Open Government training sessions for public officials. Since Commissioner Kinney is absent tonight he will complete this training on his own. The training video from the website of the Washington State Attorney General's Office about the Public Records Act was watched by everyone present. Commissioner Janow suggested that at the board retreat the issue of dedicated cell phones for commissioners be discussed. She asked if the Park District might want to create a spot on the website where public records requests could be made available. Commissioner DeWitt said that occasionally a member of the public will contact him through his personal email regarding Park District business. If that happens he always forwards the email to his Park District email account and replies from there. That way the record is captured and accessible to staff if there is a public records request to which it is responsive. Commissioner Swolgaard said hats off to Helen Stone for the work she does keeping up with the public records requests. Commissioner Goodlin asked

how many public records requests the Park District typically gets in a year. Helen Stone said she has been in this role since 2020 and would estimate that the Park District receives between 20 and 25 public records requests a year. Commissioner DeWitt said a lot depends on what topics are on board agendas as things that are more controversial tend to generate more public records requests. Commissioner Janow said it is important to speak to the scope of the requests as some are narrow and some are broad. Commissioner Goodlin asked if the board is involved when there is a public records request or if it is handled by staff. Helen Stone said public records requests are handled by staff. Executive Director Terry Lande said that if a public records request necessitates checking commissioner email accounts that staff may send an email to board members regarding the search and asking if there are any responsive records on personal accounts.

PROPERTY ACQUISITION PROCESS: Park Services Division Director Dan Hamlin said this item is on the agenda in response to a request from the board when it was learned that the 2021 lid lift replaced the 2008 lid lift and the Parkland Acquisition Committee was sunsetted. PAC was formed under the 2008 lid lift as a committee of citizens to help figure out how to acquire property for the Park District with funds designated by the 2008 lid lift. The board appointed members of the community to serve with staff and board liaisons to review existing potential properties, find a way to prioritize them, and to build criteria to determine which properties should be pursued for acquisition. PAC developed a list of five criteria: 1) Winslow area properties, 2) shoreline properties, 3) neighborhood service centers, 4) expansion of Park District properties, and 5) trails and trail connections. PAC identified a large list of properties and helped secure many of them. However, very few of the properties were secured through PAC funds because the economic recession of 2008 made an impact on the amount of funds available. The properties identified by PAC and added to the list of potential properties over time did recognize some key properties that were pursued and ultimately acquired by the Park District through other means. In 2013 the Park District realized there would not be enough funding to procure any major properties and the board changed the focus of the PAC to trail easements.

It was determined by the board in April of 2021, since the cost to operate and maintain Park District properties and programs was growing faster than the 1% increase in taxes a year permitted under the 2008 lid lift, that a new lid lift should be put before the voters. In August of 2021 the current lid lift was passed by voters. Part of the reason operation and maintenance costs went up was due to the acquisition of many of the properties identified and pursued by the PAC. The staff recommendation is that the five criteria developed by the PAC are still relevant today as is adding the following impact criteria to assess potential properties: 1) impacts on Park District resources to manage and maintain the site, 2) revenue opportunities associated with this specific site acquisition, 3) other more appropriate potential landowners with resources to manage the property, 4) funding resources available and/or sufficient terms to secure acquisition, 5) challenges with the park site creation for the intended category of use, and 6) environmental concerns that might burden the site. There is still a need to continually look at what the potential properties are. The board could decide to develop an ad hoc committee to help freshen the list of properties identified for potential acquisition and review the PAC criteria and the impact criteria. A list of the properties acquired since 2008 was presented. Every one of the properties acquired met at least two of the PAC criteria.

Commissioner Swolgaard said he thinks that members of the PAC committee have not been officially notified that the committee has sunsetted. Dan Hamlin said members were told at the last PAC meeting and he will send an email out tomorrow. Commissioner Janow said this is an important issue. She recently attended a Bainbridge Island Parks Foundation meeting, and the fact that there is no longer a required designated amount of money to fund acquisition like there was with the 2008 lid lift came up. She asked how agencies can be assured that the Park District can still provide funding for acquisition. She acknowledged the priority for the 2021 lid lift was to operate and manage the properties already owned by the Park District. She is in support of and thinks it would be beneficial to stick with the lists of criteria presented tonight to evaluate potential properties. It is important for the public to know the Park District does have funds available for land

acquisition and trail easements. Commissioner Goodlin asked if there is a land acquisition if the funds would come from the General Fund. Commissioner Janow said the funds sometimes come from the General Fund and sometimes from the Capital Improvement Fund. As an example, when the recent property addition for the Ted Olson Nature Preserve came available, and the neighborhood began working with the Bainbridge Island Land Trust to raise funds, the Park District was able to designate \$50,000 to help make that acquisition possible. The board can do similar projects if they meet a community need. Commissioner DeWitt said that under the 2008 lid lift 75% of the funds were required to go to acquisition while under the 2021 lid lift none of the lid lift money can go towards acquisition as it is designated for operations and maintenance. However, the remainder of the money in the General Fund is not restricted so the Park District can move things around as necessary. Commissioner Janow said the BIPF is now encouraging donors to go from restricted donations to unrestricted donations so that funds are available as things come up. Administrative Division Director Amy Swenson said that there is currently money budgeted for trail easements. Commissioner DeWitt said that with the General Fund the Park District can designate money as desired whereas the 2021 lid lift funds are restricted to operations and maintenance.

Commissioner Swolgaard asked if staff would evaluate potential properties and make recommendations or if there should be a committee. Commissioner DeWitt said he thinks any board action on a potential acquisition should go through the Capital Facilities Committee which can meet with staff to evaluate properties as necessary. Dan Hamlin said in the last couple of years properties have been moving so fast that there has not even been time to pull the PAC together. Commissioner Goodlin asked how Dan Hamlin's recommendation would accelerate the process. Dan Hamlin said it would not accelerate the process, but it would reflect how things have been handled for the last couple of years. There were times when a PAC meeting was called but by the time it was able to meet the decision had already been made due to someone else purchasing the property or the need to move more quickly. Commissioner DeWitt said there was a situation last year where a property near Seabold Hall became available but someone else was able to move faster than the Park District. Commissioner Janow said it would be nice for the community to know how the Park District approaches land acquisition and asked how that information can be made available to the public. Dan Hamlin said staff will discuss how that can be accomplished and report back to the board. Commissioner Swolgaard asked if the Park District will be relying on BIPF to be looking for trail easements and properties to acquire. Dan Hamlin said the BIPF is doing a tremendous job of that right now and if that does not change he would recommend that. Commissioner DeWitt said there have also been times when a potential acquisition has been brought to the attention of the Park District and it has been turned over to the BIPF because they can move on things with more discretion sometimes. Commissioner Goodlin said other local groups can move faster as well and work as partners. Commissioner DeWitt said BIPF has been a very effective partner for the Park District. Commissioner Swolgaard agreed and said he was just asking for clarification.

BOARD RETREAT PLANNING: Commissioner DeWitt said tonight he would like to toss around some ideas for the board retreat agenda and decide when it will be held. The retreat can be held on one Saturday or be split up between two Thursday nights. Commissioner Swolgaard asked if it will be held on Zoom or in-person. Commissioner DeWitt said it would be great to have it as a hybrid Zoom and in-person meeting and asked if there will be information from staff on that tonight. Recreation Division Director Mark Benishek said no update regarding hybrid board meetings was planned for tonight. After some discussion it was decided that the retreat would be held over two Thursday nights. The board picked the evenings of March 10 and 24 from 6:00-8:00 pm. Commissioner DeWitt shared a draft retreat agenda to start the discussion on topics that may be covered at the board retreat. One topic he would like to cover is relationships with other governmental entities and nonprofits in order to work on board-to-board relationships.

Commissioner DeWitt brought up planning for future facilities including Strawberry Hill Park. Executive Director Terry Lande said that the scope has changed on the Strawberry Hill Park project with the addition of the idea to possibly install artificial turf fields there. Adding artificial turf fields will trigger a bunch of things such as storm water management, restrooms,

septic, and water issues. He thinks it would be best to do concept plans for Battle Point Park, Sakai Park, and Strawberry Hill Park concurrently. Commissioner Janow said she is in support and in order to do this justice she would like to give staff the opportunity to present the board with a broad vision. Commissioner DeWitt said this is exactly why he wants to have a board retreat and that he thinks it is best to look at all three properties holistically rather than separately. Commissioner Goodlin said that he thinks everyone recognizes that the artificial turf fields are an important issue this year and said that it should be a standalone topic for the retreat. He suggested that staff make a pros and cons list for potential properties for artificial turf fields on the island. Terry Lande said staff already has that information and can share it with the board. Commissioner DeWitt agreed that making artificial turf fields a standalone topic is a good idea. Park Services Division Director Dan Hamlin said it can be a standalone topic, but it impacts what is being done at Strawberry Hill Park. Commissioner DeWitt asked if the board members wanted to expand the request for qualifications for a Strawberry Hill Park concept plan to include planning for Sakai Park and Battle Point Park. Commissioner Janow said her feeling now is that that staff should focus their energies on Strawberry Hill Park. The idea would be to not hold everything up in eight months of requests for qualifications for multiple parks. She said board members and staff have a broad enough sense of the needs of the community and what each park can sustain. The consensus of the board was to move forward with just the request for qualifications for a Strawberry Hill Park concept plan.

Commissioner DeWitt brought up planning for Sands Field, which is owned by the Bainbridge Island School District and operated by the Park District, and the need for a new maintenance facility at Battle Point Park. Terry Lande suggested talking about a new restroom for Battle Point Park as well. The renovated KidsUp! Playground has been a huge success and is attracting a lot of people, and the bathrooms are being overrun even in January. Commissioner DeWitt said maintenance backlogs and priorities, and capital needs for 2022 are two more potential retreat topics. Subtopics for a 2022 capital needs discussion could include: 1) Ray Williamson pool repairs, 2) restrooms, 3) cover for the Bainbridge Island Recreation Center pool to allow multi-season use, and 4) parking at Grand Forest West. Regarding trails, Commissioner DeWitt would like to talk about reducing barriers on main trails to increase accessibility. Commissioner Janow has brought up having dedicated cell phones for commissioner business separate from personal cell phones and that can be a topic for the retreat. Commissioner Janow said she thinks that the list of topics reviewed tonight is great and that there is a lot to cover. Commissioner DeWitt said he knows it is an ambitious list to cover in four hours, but it is a step in the direction of providing a better Park District. The retreat agenda is a work in progress and the board will continue to refine it prior to the retreat.

DIRECTOR'S REPORT

Administrative Division: Administrative Division Director Amy Swenson said that the Park District is doing a lot of hiring currently and getting some impressive candidates which is exciting.

Recreation Division: Recreation Division Director Mark Benishek said that the Park District won a reimbursement grant from the Washington Recreation & Park Association for \$500,000 in three programming areas: 1) teen programs, 2) outdoor recreation, and 3) youth summer camp. Mark Benishek gave kudos to Active Adult Program Manager Sue Barrington who put the grant request together for the Park District. A new class teaching basket weaving with bark has filled up. This will be stained glass and fused glass instructor Julie Hews-Everett's last season teaching for the Park District as she is retiring. Bainbridge Island Swim Club Assistant Coach Kate Carr is out temporarily, former BISC Head Coach Carolyn Ackerley has stepped up to help the team in the interim. Bainbridge Aquatic Masters Head Coach April Cheadle is looking to hire a new Assistant Coach soon. Recreation Superintendent Bryan Garoutte said that there are now 1,362 monthly user accounts at Bainbridge Island Recreation Center. New front desk staff is being hired and trained. Staff got good feedback on the BIRC mid-month newsletter. Aerial yoga demonstrations went so well that classes filled up. A few of the BIRC fitness instructors will be training at the Aquatic Center so they can offer Aqua Fit classes when the BIRC pool opens for the season. Sports

Program Manager Julie Miller has hired a new Pickleball Coordinator. The circuit training class at the Strawberry Hill Mini Gym has eleven participants which is the highest enrollment that class has ever had. Outdoor Program Manager Nick Prevo has hired a new mountain bike leader. Nick Prevo will be meeting with Kris Goodfellow of Poulsbo's Parks and Recreation Department to discuss the Park District's summer sailing program. Mid-winter break camps are two weeks away and some are already filling up. Valentine's Day cooking classes are full. Some athletes received a special award from the judges at the girls' gymnastics meet last weekend. There has been increased interest in the gymnastics program from high school aged boys and staff is excited that teens are getting more involved.

Park Services Division: Park Services Division Director Dan Hamlin said that news was received this morning that there are about five years left in the life of the drain field at Battle Point Park. It handles more use than it was designed for, and summer is coming so porta potties will be added to the site. The construction of the new Fay Bainbridge Park cabins is progressing. The Horticulture Manager and Natural Resources Manager positions have been posted. The Trails Advisory Committee is scheduled to meet on February 14 and the Dog Advisory Committee is scheduled to meet on February 15. The horticulture crew has been helping clear leaves from trails and has started pruning fruit trees. Senior Planner Perry Barrett said the mountain bike park request for qualifications site visit is on Wednesday, February 9. Staff will be entering negotiations next week with the top scoring firm from the request for qualifications for the skate park project. The Bainbridge Island Parks Foundation is working on trail easements, and it is exciting to see how their commitment to that has grown. He has been meeting with the Williams-Olson Park designer regarding storm water.

Executive Director Terry Lande said that an offer has been made and accepted for the IT Manager position.

BOARD MEMBER ITEMS:

- Commissioner Goodlin said that he was at a trail easement last weekend where he attended a work party last fall. It is a beautiful area near the corner of Country Club Road and Toe Jam Hill Road and the goal is to extend the trail all the way up to Nutes Pond.
- Commissioner Goodlin said that he is gaining some insights as the board treasurer and today he learned that the Kitsap Humane Society is under contract to help the Park District enforce leash rules for dogs in parks.
- Commissioner Janow said that she was fortunate to attend the Bainbridge Island Parks Foundation meeting this week. She said there are so many caring people who live on this island, and she is grateful for the relationship the Park District has with the BIPF folks. The BIPF accomplished a lot in 2021 and has ambitious goals for 2022 as well.
- Commissioner Janow brought up the Walks with Commissioners program and encouraged her fellow commissioners to join her one Sunday morning every month to participate. It is a great opportunity to connect with community members on an individual basis.
- Commissioner Janow asked about the status of the sail float replacement project. Senior Planner Perry Barrett said that the lawyers for the Park District and the City of Bainbridge Island are currently negotiating regarding this topic.
- Commissioner Janow gave a gold star to Active Adult Program Manager Sue Barrington and the whole team for the Washington Recreation & Park Association reimbursement grant which was won by the Park District.
- Commissioner DeWitt said that Active Adult Program Manager Sue Barrington being responsible for the Washington Recreation & Park Association grant is a classic example of Park District personnel working together as a team. None of the program areas for the grant are her key areas of responsibility. It shows the kind of teamwork in the Park District.
- Commissioner DeWitt said he and Commissioner Swolgaard attended the Trails Advisory Committee meeting and that Trails Coordinator Sean Smith Sell did well leading the meeting on his own.

- Commissioner DeWitt said more than one member of the public has asked if there is a way for board meeting attendees to see the other attendees. With the current Zoom platform commissioners and staff are considered panelists while members of the public are designated as attendees. As he understands it the Zoom platform being used by the Park District currently is also used by the City of Bainbridge Island and the Bainbridge Island School District. He asked what the other board members would like to see happen. Commissioner Swolgaard said he enjoys seeing everyone who is participating in the meeting. Commissioner Goodlin said it seems like a reasonable request, but he does not know what it takes to accomplish it. Commissioner Janow said that she does not mind having it the way it is where she can view a list of the attendees. This format keeps the commissioners and staff front and center and she appreciates that speaking from the experience of being board chair last year. Her choice would be to keep what is established and hope that board meetings move to a hybrid format soon. Commissioner DeWitt asked staff to investigate the issue to see if there is a way to allow attendees to be able to see other attendees in a list format on this Zoom platform the way panelists can. Commissioner Goodlin said that one work around could be to read the list of attendees aloud.
- Commissioner Janow encouraged everyone to listen to the two podcasts that Commissioner DeWitt has participated in, which are both posted on the Park District website.

MEETING ADJOURNED at 8:21 pm.

Helen M. Stone
 Terry M. Lande
 BAINBRIDGE ISLAND METROPOLITAN
 PARK & RECREATION DISTRICT

BY: _____
 Kenneth R. DeWitt

BY: _____
 Jay C. Kinney

BY: _____
 Tom Goodlin

BY: _____
 Dawn Janow

ATTEST: _____
 John Thomas Swolgaard

BAINBRIDGE ISLAND METROPOLITAN PARK & RECREATION DISTRICT

RESOLUTION 2022-04

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BAINBRIDGE ISLAND METROPOLITAN PARK & RECREATION DISTRICT, KITSAP COUNTY, WASHINGTON, AMENDING RESOLUTION 2021-08 REGARDING THE EMPLOYEE AND VOLUNTEER COVID-19 POLICY.

WHEREAS, on December 2, 2021 the Board of Commissioners of the Bainbridge Island Metropolitan Park & Recreation District adopted Resolution 2021-08 regarding a COVID-19 policy for employees and volunteers; and

WHEREAS, there is now a need to revise section six regarding face coverings to at a minimum follow current federal and/or state guidelines; and

WHEREAS, there is now a need to add a new section nine stating that this resolution is not applicable to certain volunteers; and

WHEREAS, the coronavirus disease 2019 (COVID-19) is caused by a virus that spreads easily from person to person and can result in serious illness or death, and has been classified by the World Health Organization as a worldwide pandemic; and

WHEREAS, on February 29, 2020, Governor Inslee issued Proclamation 20-05, proclaiming a state of emergency as a result of COVID-19; and

WHEREAS, on March 13, 2020, the President of the United States issued a proclamation declaring COVID-19 a national emergency; and

WHEREAS, on March 19, 2020, the District declared a state of emergency; and

WHEREAS, COVID-19 vaccines are effective in reducing infection and serious disease, and widespread vaccination is the primary means to protect everyone, including persons who cannot be vaccinated for medical reasons, youth who are not eligible to receive a vaccine, immunocompromised individuals, and other vulnerable persons; and

WHEREAS, COVID-19 vaccines have been available in Kitsap County from December 2020 to the present, and since April 15, 2021, all Washingtonians over the age of 16 have been eligible to receive COVID-19 vaccines for free; and

WHEREAS, COVID-19 vaccines were evaluated and found to be safe and effective in clinical trials involving tens of thousands of participants and met the U.S. Food & Drug Administration's rigorous scientific standards for safety, effectiveness, and manufacturing quality needed to support Emergency Use Authorization; and, to date, more than 545 million doses of COVID-19 vaccines have been given in the United States with approximately 394,000 of those doses administered in Kitsap County, and serious safety problems and long-term side effects are rare; and

WHEREAS, the Pfizer-BioNTech vaccine was granted full approval by the FDA effective August 23, 2021, for individuals 16 years of age and older; and

WHEREAS, the Pfizer-BioNTech vaccine has been granted Emergency Use Authorization by the FDA effective May 10, 2021, for individuals 12-15 years of age; and

WHEREAS, the Pfizer-BioNTech vaccine has been granted Emergency Use Authorization by the FDA effective October 29, 2021, for individuals 5-11 years of age; and

WHEREAS, the Board believes it is the duty of every employer to protect the health and safety of its employees and volunteers by establishing and maintaining a healthy and safe work environment and by requiring all employees and volunteers to comply with health and safety measures; and

WHEREAS, on July 6, 2021, the Office of Legal Counsel of the United State Department of Justice issued a legal opinion stating that governments were not prohibited by federal law from imposing vaccine mandates, including vaccines authorized under FDA Emergency Use Authorizations; and

WHEREAS, COVID-19 continues to spread, threatening the life and health of persons in Kitsap County and the City of Bainbridge Island, in particular those who remain unvaccinated; and

WHEREAS, this Resolution 2022-04 dated February 17, 2022 is authorized to replace and supersede Resolution 2021-08 dated December 2, 2021,

NOW THEREFORE BE IT RESOLVED by the Board of Commissioners of the Bainbridge Island Metropolitan Park & Recreation District, Kitsap County, Washington, based on the foregoing recitals and the continued existence of a state of emergency as declared via motion at the March 19, 2020 regular Board meeting, as follows:

1. Vaccine Mandate. No employee or volunteer of the Bainbridge Island Metro Park & Recreation District ("District") (each a "Worker" and collectively "Workers") may engage in any work for the District after December 20, 2021, if the Worker has not, on or before that date, (i) been fully vaccinated against COVID-19 with a vaccine that is approved, on an emergency or full basis, by the FDA and (ii) provided proof thereof to the District. Any Worker who has not satisfied both (i) and (ii) above by December 21, 2021, will be suspended without pay, terminated from employment, or otherwise released from service unless the Worker (i) is granted an exemption as provided in Section 4 below or (ii) does testing as provided in Section 5 below. Any applicant who has not provided proof that they have been fully vaccinated, who has not received an exemption from the Vaccine Mandate, or who does not do testing shall not be eligible for hire or service as volunteer. A Worker will be deemed fully vaccinated fourteen or more days after completion of the primary series of an FDA-authorized COVID-19 vaccine.
2. Costs and Time Off for Vaccination. If a Worker is charged for administration of the vaccine, they may submit a request to the Human Resources Division for reimbursement. A Worker who requests time off to get vaccinated shall be granted a paid half-day off for each required dose, and, if need be, up to two paid days off to recover from adverse effects of the vaccination, which time off shall not reduce any accrued sick or vacation leave.
3. Proof of Vaccination. Acceptable proof of vaccination against COVID-19 includes the following: (i) a copy of the CDC COVID-19 Vaccination Record Card or clearly legible photo of the card; (ii) documentation of vaccination from a healthcare provider or electronic health record; (iii) public health, tribal or state immunization information system record; or (iv) a copy of any other official documentation that contains the type of vaccine administered, date(s) of administration, and the name of the healthcare professional(s) or clinic site(s) administering the vaccine(s). The District retains the right, in its sole discretion, to determine which form of proof of vaccination is acceptable to the District. Personal attestation is not acceptable proof of vaccination.
4. Exemptions from Vaccine Mandate.
 - a. A Worker is temporarily exempt from the Vaccine Mandate if medical necessity requires a delay in vaccination. The Worker must provide the District with written verification of such medical necessity, which shall include an estimate of when the medical necessity will end, signed by a licensed healthcare provider.

- b. A Worker is exempt from the Vaccine Mandate if all FDA-authorized COVID-19 vaccines are medically contraindicated for the Worker. The Worker must provide the District with written verification of such contraindication signed by a licensed healthcare provider.
 - c. A Worker is exempt from the Vaccine Mandate if they are entitled, under the Americans with Disabilities Act, Title VII of the Civil Rights Act of 1964, the Rehabilitation Act of 1973, the Washington Law against Discrimination, and/or any other applicable law, to a disability-related or a sincerely-held-religious-belief accommodation. To request a disability-related accommodation, and to enable the District to evaluate the request, a Worker must, on or before December 13, 2021, (i) fill out and submit a request form provided by the District setting forth certain information related to the disability and accommodation and (ii) if requested by the District and to the extent permitted by law, submit a form provided by the District that is filled out and signed by a licensed healthcare provider. To request a sincerely-held-religious-belief accommodation, and to enable the District to evaluate the request, a Worker must, on or before December 13, 2021, fill out and submit a request form provided by the District setting forth certain information related to the religious belief and accommodation. The medical and request forms for disability-related and sincerely-held-religious-belief accommodations shall be made available to Workers by posting the forms on the District's website and by having hard copies in the Human Resources Division. Each request for accommodation shall be reviewed by a committee comprised of the Administrative Division Director, Parks Services Division Director, and Recreation Division Director ("Review Committee"). The Review Committee shall evaluate the request and make a written recommendation to the District's Executive Director, who will review the Review Committee's recommendation and issue a written decision, which shall not be grievable.
5. Testing. Any Worker who is not fully vaccinated against COVID-19, including those who are exempt from the Vaccine Mandate under Section 4 above, and who reports at least once every seven (7) days to a workplace where other individuals are present, must do testing to remain eligible to be employed by or volunteer with the District, as follows. The Worker must be tested for COVID-19 at least once every seven (7) days and must provide documentation of the most recent test results to the District no later than the 7th (seventh) day following the date on which the Worker last provided test results. A Worker who does not report during a period of seven (7) days or more to a workplace where other individuals are present must be tested for COVID-19 within seven (7) days before returning to the workplace and provide documentation of those test results before returning to the workplace. If a Worker receives positive COVID-19 test results, or is diagnosed with COVID-19 by a licensed healthcare provider, the Worker does not have to undergo testing for ninety (90) days following the date of the test results or diagnosis. If a Worker does not provide documentation of COVID-19 test results as required by this policy, they will be removed from the workplace until they provide test results. Personal attestation is not acceptable documentation of test results. The Worker shall bear all costs associated with testing unless they have an exemption in which case the District shall bear all costs associated with testing. Workers will be allowed to use accrued leave time for testing.

An acceptable test is one for SARS-CoV-2 that is: (i) cleared, approved, or authorized, including in an Emergency Use Authorization (EUA) by the FDA to detect current infection with the SARS-CoV-2 virus (e.g., a viral test); (ii) administered in accordance with the authorized instructions; and (iii) not both self-administered and self-read unless observed by the District or an authorized telehealth proctor. Examples of tests that satisfy this requirement include tests with specimens that are processed by a laboratory (including home or on-site collected specimens which are processed either individually or as pooled specimens), proctored over-the-counter tests, point of care tests, and tests where specimen collection is either done or observed by the District.

- 6. Face Coverings. Workers will at a minimum follow current federal and/or state guidelines regarding face coverings.
- 7. Diagnosis or Positive Test. Workers must promptly notify the District if they receive positive COVID-19 test results or are diagnosed with COVID-19 by a licensed healthcare provider. Regardless of vaccination status or testing, if a Worker receives positive COVID-19 test results or is diagnosed with COVID-19 by a licensed healthcare provider, the Worker will immediately be removed from the workplace until the Worker: (i) receives negative results on a COVID-19 nucleic acid amplification

test (NAAT) following positive results on a COVID-19 antigen test if the employee chooses to seek a NAAT test for confirmatory testing; (ii) meets the return to work criteria in CDC's "Isolation Guidance"; or (iii) receives a recommendation to return to work from a licensed healthcare provider.

8. Record Keeping. The District shall maintain a record of each Worker's vaccination status and must preserve acceptable proof of vaccination for each Worker. The District shall maintain a roster of each Worker's vaccination status. The District shall maintain a record of all test results provided by each Worker or obtained during tests conducted by the District. These records and roster are considered to be Worker medical records and shall be maintained as such in accordance with applicable laws and regulations.
9. Resolution Not Applicable to Certain Volunteers. This Resolution is not applicable to individuals who provide volunteer services for the District entirely outdoors on a short-term basis ("Outdoor Volunteers"). Examples of such volunteer opportunities include, without limitation, work parties, short-term service projects, and special events. Outdoor Volunteers do not have to provide proof of vaccination or test results. Outdoor Volunteers will at a minimum follow current federal and/or state guidelines regarding face coverings. The District will not maintain any records or rosters of COVID-19-related information for Outdoor Volunteers.
10. Severability. Each provision of this Resolution is severable and does not apply to the extent that compliance therewith would violate (i) any U.S. or Washington constitutional provision; (ii) federal laws or regulations; (iii) any conditions that apply to receipt of federal funding; (iv) state or local laws or regulations; or (v) applicable orders from any court of competent jurisdiction.

PASSED by the Board of Commissioners of the Bainbridge Island Metropolitan Park & Recreation District, Kitsap County, Washington, at a regular meeting thereof held this 17 day of February, 2022, the undersigned commissioners being present.

BAINBRIDGE ISLAND METROPOLITAN PARK & RECREATION DISTRICT

BY: _____
Kenneth R. DeWitt

BY: _____
Jay C. Kinney

BY: _____
Tom Goodlin

BY: _____
Dawn Janow

ATTEST: _____
John Thomas Swolgaard