

## AGENDA

### **Bainbridge Island Metropolitan Park & Recreation District Regular Board Meeting 6:00 pm Thursday – June 1, 2023**

**Bainbridge Island Recreation Center**  
11700 Meadowmeer Circle NE  
Bainbridge Is, WA 98110  
206-842-5661

#### **10. CALL TO ORDER**

- 10.1** Roll Call
- 10.2** Adjustments to the Agenda
- 10.3** Conflict of Interest Disclosure
- 10.4** 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.

#### **20. PUBLIC COMMENTS**

#### **30. BOARD CONSENT**

- 30.1** Minutes: Regular Board Meeting of May 18, 2023  
Special Board Meeting of May 19, 2023
- 30.2** Financial: Approval of vouchers and payroll.

#### **40. GENERAL BUSINESS**

- 40.1** Survey Update Lande (15 min)  
**Action:** Information only.
- 40.2** Committee Use Kinney (15 min)  
**Action:** Information only.
- 40.3** Board Meeting Zoom Proposal Carlson (5 min)  
**Action:** Information only.

#### **50. STAFF REPORT**

#### **60. UPCOMING MEETINGS**

06/15/23	Regular Board Meeting	6 pm	Bainbridge Island Recreation Center
07/20/23	Regular Board Meeting	6 pm	Bainbridge Island Recreation Center
08/03/23	Regular Board Meeting	6 pm	Bainbridge Island Recreation Center
08/17/23	Regular Board Meeting	6 pm	Bainbridge Island Recreation Center
09/07/23	Regular Board Meeting	6 pm	Bainbridge Island Recreation Center

#### **70. BOARD MEMBER REMARKS**

#### **80. ADJOURNMENT**

#### **90. ADJOURN TO EXECUTIVE SESSION IF NEEDED**

#### **100. EXECUTIVE SESSION**

— real estate, per RCW 42.30.110(1)(b) To consider the selection of a site or the acquisition of real estate by lease or purchase when public knowledge regarding such consideration would cause a likelihood of increased price.

— legal, per RCW 42.30.110(1)(i) To discuss with legal counsel representing the agency matters relating to agency enforcement actions, or to discuss with legal counsel representing the agency litigation or potential litigation to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency.

**110. RECONVENE TO REGULAR SESSION**

**120. ADJOURNMENT**

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**Board Committees**

**2023 Board Representatives**

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

**Board Liaisons**

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

**BAINBRIDGE ISLAND METROPOLITAN PARK & RECREATION DISTRICT  
REGULAR BOARD MEETING May 18, 2023  
BAINBRIDGE ISLAND RECREATION CENTER**

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

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

**ADJUSTMENTS TO AGENDA:** Move agenda item 40.1 Accounting Software to the end of General Business.

**MISSION STATEMENT:** Chair Kinney 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 said that recall charges were filed against four of the five commissioners and that they have lost the public's confidence.

Kathleen Dassel spoke in support of maintaining the arrangement for the shared tennis courts at Battle Point Park.

Marina Worsley spoke in support of maintaining the arrangement for the shared tennis courts at Battle Point Park.

Walt Hannon said he is not in favor of the recall effort of four commissioners and said that he supports the commissioners, the administration, and the staff.

David Knight said that he takes issue with the Park District purchasing the operating assets of the Bainbridge Athletic Club and he supports the recall effort for four of the five commissioners.

Commissioner Kinney said the Park District had attorneys look at the claim that the Park District could not buy the operating assets of the Bainbridge Athletic Club. It was quite clear to the Park District's attorneys that the operating assets could be bought. Park District attorneys corresponded with David Knight's group which did not move for a temporary restraining order. So, the Park District bought the operating assets, and the board was certainly within their rights to do that. Developing Sakai Park is on a parallel track with the Ray Williamson replacement pool. The cost to do both projects would be about 90 million dollars. The Capital Improvement Fund budget is about 1.1 million dollars a year. Therefore, it would require the Park District to pass a bond. He has suggested doing a public opinion poll to ask people if they are willing to raise their taxes to pay for a bond for a fieldhouse and a new pool. Commissioner Janow said the Park District just completed an audit by the Washington State Auditor's Office covering 2021, the year the Bainbridge Athletic Club was purchased, which came back completely clean with absolutely no issues.

**BOARD CONSENT**

**APPROVAL OF MINUTES:**

Upon making the following revisions to the minutes of the May 4, 2023 regular board meeting, Chair Kinney stated the minutes stand approved as corrected: On page two, second paragraph, line two, change spelling of "gage" to "gauge" and on page three, third line from the bottom, change the second time noted in the sentence to 7:43 pm.

**GENERAL BUSINESS**

**STRAWBERRY HILL PARK SYNTHETIC TURF FIELD UPDATE:** Park Services Division Director Dan Hamlin said the last time this topic was discussed was to say the estimate had come in higher than expected at 3.5 million dollars. Staff have since talked to user groups and the Bainbridge Island School District to make sure efforts are not being duplicated. User groups are in

support of moving forward with the synthetic turf field at Strawberry Hill Park. There may be a grant available to help subsidize some of the cost. The next step would be board approval to move forward with submittal of permit drawings, work with the contractors, and continued work with the Year-Round Fields Coalition and the School District. Commissioner DeWitt clarified that this would not be the final approval for the project. Dan Hamlin said that is correct, but the permits will take a while and there are funding solutions to pursue. Commissioner Goodlin asked what the Year-Round Fields Coalition is. Dan Hamlin said it is a collection of user groups and Battle Point Park neighbors that started discussions with the School District. **MSC: Janow/DeWitt: Move forward with the artificial turf field.** Commissioner Janow said she is glad this project is back on the table as the board has been looking for ways to support youth sports in the winter months. The field area at Strawberry Hill Park where synthetic turf is being considered already has lights. Commissioner Kinney said he was a baseball and softball coach for Little League for six or eight years and that having a synthetic turf field for the kids to play on would be wonderful. Commissioner DeWitt said that he remembers when his kids were involved in youth sports, and he volunteered to work on sports fields. It will be great to see more kids be able to play on solid fields during the wet season.

**SAKAI PARK PLANNING EFFORTS TO DATE:** Park Services Division Director Dan Hamlin said that while it has been said that nothing has happened to plan for Sakai Park, that is not true. The top ten recommendations from the public process in 2016 were trails, picnic shelters, multi-use outdoor complex with lighting, community recreation center, multi-use indoor complex, 50-meter pool, mountain bike trails, tennis courts, playground, and passive uses. All the recommendations are taken seriously. Staff have looked for solutions that could happen sooner at another location or even be better located. Trails were built at Sakai Park and picnic shelters are a future amenity that the Park District plans to install. A multi-use outdoor complex with lighting is planned for Strawberry Hill Park. A community recreation center opportunity came up and the Park District bought the Bainbridge Island Recreation Center which serves many of the needs identified in the Sakai Park concept plan and was a fiscally responsible solution. A multi-use indoor complex was a recommendation and the BIRC has provided a gymnasium and indoor tennis courts. The board decided that any new pool would have to be built adjacent to the Aquatic Center. The mountain bike trails have been accommodated for at Strawberry Hill Park. The process for finding a site for tennis courts has been ongoing, and the best available site appears to be Sakai Park. A natural playground area is planned for Sakai Park near the orchard. Passive uses abound on the site, even with development, most of the site will be left natural.

Commissioner Kinney, at the request of Adam Hunt, allowed the youth to go ahead and make their public comments at this time so they could go home.

Youth Mason Maxwell goes to Sakai Intermediate School, and he spoke in support of an indoor sports facility.

Youth Eddie Mauck goes to Sakai Intermediate School, and he spoke in support of an indoor sports facility.

Youth Oliver Maughan spoke in support of an indoor sports facility and said Sound Baseball must go to Tacoma to practice.

Youth Izzy Rufo-Hill said she plays on Sound, a select team on the island, and she spoke in support of an indoor sports facility.

Youth Quinn Scheer spoke in support of a larger gym for gymnastics.

Youth Christian Maughan goes to Blakely Elementary and spoke in support of a synthetic turf field.

A youth who goes to Sakai Intermediate School spoke in support of an indoor sports facility at Sakai Park.

Youth Harrison Hardy goes to Sakai Intermediate School, and he spoke in support of improving Sands Avenue Ballfield.

Youth Landon spoke in support of sports facilities.

Youth Brennan Hardy goes to Sakai Intermediate School and spoke to ask for better sports facilities for every sport.

Youth Nicky Johnson spoke in support of sports facilities at Sakai Park.

Dan Hamlin said that in 2014 a purchase and sale agreement was entered into with the former owners of Sakai Park that was dependent on a bond passing. In 2015 the bond passed, and Sakai Park was purchased. In 2016 the Sakai Park community planning process happened resulting in the top ten recommendations and the original Recreation and Conservation Office grant was applied for. In 2017 the top ten recommendations were looked at and the board made the decision that any new pool would be built at the Aquatic Center. There was a study of the Ray Williamson pool, and the costs of renovation were high. In 2018 Jones & Jones Architects did a feasibility study for the Sakai Park concept plan and there was a pool options study by Coates Design to launch into the two planning efforts. In 2019 the studies wrapped up mid-year and the costs were quite high. The RCO acquisition reimbursement grant for Sakai Park was resubmitted for one million dollars and staff received word that it would be awarded, although funds were not received until 2021. Staff pursued a grant for a new pool from the Kitsap Public Utilities District and did not receive any award. In 2020 advisory committees for the pool replacement and Sakai Park were advertised for but never formed or implemented due to the COVID-19 pandemic. Permits for trail construction at Sakai Park were applied for in 2018, construction started in 2020, and trails were completed by the end of 2021. In 2021 the BIRC was purchased which impacts what is needed at Sakai Park. The board made a conscious decision to not pursue any bonds in connection with the pool replacement or Sakai Park due to the COVID-19 pandemic. In 2022 the board voted to move forward with a Ray Williamson pool renovation study and then made the decision to move forward with renovation of the Ray Williamson pool in 2023. Tonight, staff will present a proposal for tennis courts at Sakai Park. Currently staff are working with the School District regarding options for lighted synthetic turf fields for the community. In June of 2019 the feasibility study that was conducted for the Sakai Park concept plan came to a total of 52 million dollars. The fieldhouse component of that plan was 22 million dollars and site work came in at 4.4 million dollars. Many of the needs identified in the Sakai Park planning process have been addressed at other sites.

Commissioner DeWitt said the current concept plan for Sakai Park includes plans for offices and meeting rooms which are no longer needed because those needs have been fulfilled at BIRC. The City of Bainbridge Island in planning for Madison Avenue improvements is eliminating the street parking that had been proposed, so parking will have to be redesigned. Therefore, the concept plan is no longer current and needs to be updated. COBI is paying to realign the entrance to Sakai Park as part of the Madison Avenue project and is installing a sewer tap, saving the Park District tens of thousands of dollars. Once plans that reflect updated needs are completed hopefully the costs will be less than expected with the original concept plan feasibility study. Commissioner Goodlin said the concept plan was withdrawn from COBI last fall. Commissioner Kinney said the most important reason to withdraw that plan was because to build anything with that plan would have required all the infrastructure. Withdrawing that plan gives the Park District the ability to do things piecemeal at a more affordable rate. Dan Hamlin said that while COBI was aware of the concept plan for Sakai Park it was never officially submitted.

**SAKAI PARK TENNIS COURT PROPOSAL:** Park Services Division Director Dan Hamlin said the one-million-dollar grant for Sakai Park from the Recreation and Conservation Office was an acquisition reimbursement grant, however an area of the park was exempted from the grant. The grant requires both active and passive outdoor recreation components be made available at Sakai Park. The Park District has five years to complete the park elements to remain in compliance starting from when the funds were received in 2021 or an extension must be requested. RCO has been consulted regarding whether the changes to the exempted area that are being proposed tonight are acceptable and compliant with the RCO conditions. A letter was received on May 16 letting staff know that the Park District is compliant with the terms of the grant. RCO does not require the Park District to fully develop the site per the concept plan and recognizes that changes are expected. The

proposed amendment to the site is moving the exempted area that went east/west along the southern border of the upland portion of the park to the west property line going north/south along Madison Avenue. The elements in the current project proposal are tennis courts, parking, play area, and restroom. They are all approved and expected by the terms of the grant and when completed would make the Park District fully compliant. The impact to vegetation would be minimal, however it will impact alders which will have to be removed for the tennis courts and to provide good light exposure for the courts. The reason for reorienting the indoor facility space is so that any buildings would be built along the road frontage and the park area would be tucked inside the park making it safer for kids and quieter. Executive Director Terry Lande said the proposed change to the exempted area saves space for the potential of a building in the southwest corner of the park. The tennis courts would be outside the exempted area and would not encumber a future indoor facility from moving forward. There is also less impact on higher value vegetation and the proposed parking lot site uses an already disturbed area. Commissioner Janow asked Dan Hamlin to explain the difference between the vegetation at Strawberry Hill Park that would need to be disturbed for tennis courts versus the vegetation at Sakai Park which would be disturbed for tennis courts. Dan Hamlin said that at Strawberry Hill Park more than a dozen very large douglas fir trees would need to be removed as opposed to alders at Sakai Park.

Loanne Harmeling said she is delighted that tennis courts are going in at Sakai Park.

Dawn Snider said she is thrilled that tennis courts are going in at Sakai Park.

Edith Cobourn said that she is excited about tennis courts going in at Sakai Park.

Lisa Macchio said that she does not support tennis courts at Sakai Park.

Debbie Wolf said that sharing the tennis/pickleball courts at Battle Point Park is a valuable lesson for adults and children.

Commissioner Goodlin said he and Commissioner Swolgaard, as the Sakai Site Planning Ad Hoc Committee, have met twice with Dan Hamlin and Senior Planner Matthew Keough in recent weeks to discuss this approach. It has been planned in such a way that in the future two more tennis courts could be added if that decision were to be made. For the last five years he has been a vocal advocate for trails, courts, picnic shelters, and a playground at Sakai Park. He is all for this as it was what he was hoping to see as a first phase.

Joe Edgell spoke in support of preserving the Sakai Park uplands.

Ron Peltier urged the board to consider minimizing development at Sakai Park.

**MSC: Janow/Goodlin: Motion to construct two tennis courts at Sakai Park.** Commissioner Janow said this was a hard decision, but the Park District has been looking for a location for tennis courts since 2018 and is committed to active and passive recreation at Sakai Park. Community needs are fluid and things change over time. The amenities that the Park District has now are very different than in 2016 when Sakai Park was designated for active and passive use. It is a nice opportunity for tennis and the Park District will work to mitigate as much environmental impact as possible. Commissioner Swolgaard said the proposed plan for the tennis court placement is too close to the area for the potential recreation facility. He also said there is not room for additional tennis courts in the future. He is not against the tennis courts, but he is wondering if there is another location on the property. Dan Hamlin said the potential fieldhouse could go anywhere in the exempt area along Madison Avenue and not just the southwest corner of the park. Commissioner Kinney said he has spent a lot of time trying to figure out where to put tennis courts. If tennis has their hearts set on four courts together then Strawberry Hill Park would be the place. Commissioner DeWitt said the project proposal is a concept plan and not a design that permits are submitted on.

**FUTURE PLANNING FOR SAKAI PARK:** Park Services Division Director Dan Hamlin said there is unfinished business with Sakai Park and the replacement of the Ray Williamson pool. Staff are looking for direction regarding what the board would like to do next. Commissioner Kinney said the cost of replacing the Ray Williamson pool would be 50-60 million dollars. If both projects are going to be done, the replacement pool and the fieldhouse need to be done together so they do not compete against each other. There are people in the community that want a bond to do both projects. It is not free to run a bond election, there is a fee. His analysis of the situation is that taxes are high, inflation is going up, and the Bainbridge Island School District is going to go out for a bond for Commodore, Ordway Elementary, and adding synthetic turf fields soon. He thinks with all that in mind the community is not going to want to build anything else right now for 90 million dollars. Since he does not know that for sure, he has suggested that there be a public opinion poll on the topic of whether people are willing to raise their taxes for these two projects. The Park District would have to get approval from 60% of the voters to pass a bond. The lynch pin is to do a public opinion poll. He certainly understands having to travel for kids to play sports, having two daughters that played softball. Commissioner Janow said that parks and trails are fluid and things are changing all the time. The surveys the Park District has are from 2016 and 2019. It is important to hear from the current community about what they want and what they are and are not willing to pay for. Commissioner Goodlin said that the Park District will need to be thoughtful about what is presented in the survey. Commissioner Janow said that she would like to see staff directed to hire a company to do a comprehensive survey. Executive Director Terry Lande said the survey is critical to find out where the whole community is at, and the board could be involved in the process of designing the survey. Commissioner Swolgaard said that it took five tries to get the Don Nakata pool bond approved and the plan had to be whittled down with each try. He wishes they would have done a survey then and he does not want to go through that again. That is why he wants to know what the public wants and what they would support. Times are tough and most of the people on the island, per the census, are over 55 years old. They do not have kids at home, so the board wants to know if they will support the projects.

Carolyn Goad spoke in support of preserving Sakai Park as it is.

Nick Schnee said that he thinks the survey is a bad idea and said that the community wants action.

Doug Rauh spoke in support of conserving Sakai Park as it is and supports doing a survey.

Ed Labanara said he is opposed to the recall and said that the energy could be better spent collaborating.

Anya Harris said that gymnastics needs new facilities.

George Rohrbacher spoke in support of an indoor sports facility at Sakai Park.

Erin Gardner spoke in support of an indoor sports facility at Sakai Park.

Trea Coleman spoke in support of new gymnastics facilities.

Hillary Scheer spoke in support of a larger space for gymnastics.

Tony Gaspich said please be careful about how taxpayer dollars are being spent and that he hopes the recall effort instituted to try to get the board to reach certain decisions does not affect the process or decisions.

Jeramie Maxwell spoke against doing a survey and would prefer a subcommittee.

**MSC: Janow/Swolgaard: Motion to direct staff to do an island-wide survey regarding Sakai Park and other capital projects and to gauge the island's desire for additional bond measures and which projects they may be likely to increase their taxes for.** Commissioner DeWitt said he thinks the survey is needed to get the pulse of where the entire community is today related to Sakai Park. Commissioner Kinney said the Aquatic Center needs to be a part of the discussion to find out

what the public appetite is for big ticket items. Commissioner Goodlin said that he would like to have some participation in the survey creation process.

**MEETING ADJOURNED** to a five-minute recess at 8:45 pm with announced time to reconvene at 8:50 pm. **MEETING RECONVENED** at 8:50 pm.

**ACCOUNTING SOFTWARE:** Administrative Division Director Amy Swenson said \$40,000 was approved in the 2022 budget discussions for new accounting software in 2023. Since then, the staff have investigated accounting systems and have recommended software from Tyler Technologies. Currently the Park District has separate electronic timesheet software, online invoice approval software, and accounting software. Tyler Technologies can integrate the three software systems into one which will make staff more efficient while reducing error. There will be cost savings every year in annual maintenance fees. It will cost \$64,000 to implement the Tyler Technologies software. **MSC: DeWitt/Swolgaard: Move to approve the updated accounting software.**

**UPCOMING MEETINGS:**

Special board meeting tomorrow, May 19 at 11:30 am at Bainbridge Island Recreation Center. **MSC: DeWitt/Janow: Move to cancel the July 6 regular board meeting.**

**BOARD MEMBER REMARKS:**

- Commissioner DeWitt said that his son was involved in baseball, varsity football, and diving and he spent a lot of time on bleachers. His daughter was a rope skipper, gymnast, and participated in softball. He has a good understanding of youth sports on the island.
- Commissioner DeWitt said that it has been mentioned that the Park District is not accommodating families with regular board meetings starting at 6:00 pm. Several years ago, the meeting start time was moved from 7:00 pm to 6:00 pm at the request of families. The board has tried to accommodate families as best they can.
- Commissioner DeWitt said today he was thanked for the bench at Gazzam Lake Nature Preserve.
- Commissioner DeWitt said he was recently walking with his family through the west Grand Forest, and they appreciated the new restroom.
- Commissioner Goodlin said that there has been a request for Zoom board meetings. Commissioner DeWitt said that it would be good to put it into the budget process.
- Commissioner Goodlin said that he would like to have an agenda item in the near future about committees in relation to how public input is gathered.
- Commissioner Janow said a session of the Walks with Commissioners program was held recently.
- Commissioner Janow said the Kindred Spirit mailbox has been installed.
- Commissioner Janow read her thoughts on community and said she will continue to strive to serve to the best of her ability.

**MEETING ADJOURNED** at 9:04 pm.

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

BY: \_\_\_\_\_  
Jay C. Kinney

BY: \_\_\_\_\_  
John Thomas Swolgaard

BY: \_\_\_\_\_  
Dawn Janow

BY: \_\_\_\_\_  
Kenneth R. DeWitt

ATTEST: \_\_\_\_\_  
Tom Goodlin

DRAFT

**BAINBRIDGE ISLAND METROPOLITAN PARK & RECREATION DISTRICT  
SPECIAL BOARD MEETING May 19, 2023  
BAINBRIDGE ISLAND RECREATION CENTER**

**CALL TO ORDER:** A quorum being present, the meeting was called to order at 11:30 am by Chair Kinney.

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

**CONFLICT OF INTEREST DISCLOSURE:** Commissioner Janow said she has a conflict of interest with General Business item 30.1. Commissioner DeWitt said he has a conflict of interest with General Business item 30.2. Commissioner Swolgaard said he has a conflict of interest with General Business item 30.3. Commissioner Kinney said he has a conflict of interest with General Business item 30.4.

**MISSION STATEMENT:** Chair Kinney 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**

Mary Dombrowski said she hopes that the frivolous lawsuits will be charged back to the person who has filed them and said that the Fort Ward Neighborhood Association has some funds they would like to contribute to the Fort Ward Parade Grounds playground project.

Cindy McCall said she was on the 2016 Sakai Park community center planning committee and that through the Bainbridge Island Recreation Center some of the needs identified then have been met. She supports a new survey, and she supports the board.

Adam Hunt said he is the person that brought the recall charges and he read aloud an email he sent to the board earlier today:

"I note with a bit of irony the board's willingness to create a special date and time to discuss the recall charges and defense but not the Sakai Park planning process as requested by the community. There is no need for a recall if the Board will start using the tools available to it for public input.

Speaking of which, if your fellow commissioners and Executive Director Lande are willing to restart the two "temporarily suspended" citizens advisory committees from years ago in 2020 and have a meaningful planning process to avoid wasting money on a meaningless survey, then I am open to dialogue about dismissal of the recall charges in the interests of the greater goods of our kids, many of whom you heard from last night, and the whole community."

Adam Hunt suggested that there should be more public participation with the Sakai Park planning process and expressed a desire to work with the Park District, stating "Let's work together and I'll get rid of the stupid recall, okay?"

Commissioner Kinney said speaking for himself he thinks it is very dangerous business to have somebody bring a recall charge to force the board to take specific action. That is over the top. He is not ever going down the road of, do what I want when I want it or I am filing a recall, which is what Adam Hunt has done.

Cat Weber said she is the president of boys' gymnastics club and would like to see some solutions proposed for indoor sports facilities.

Ann Marie Sargent said she is concerned that taxpayer funds will be used to defend the board in the recall.

Sabrina said she is concerned that taxpayer funds will be used to defend the board in the recall.

## **GENERAL BUSINESS**

**REQUEST BY COMMISSIONER DAWN JANOW FOR THE PARK DISTRICT TO PAY THE NECESSARY EXPENSES OF DEFENDING HER (INCLUDING COSTS ASSOCIATED WITH AN APPEAL) IN THE JUDICIAL HEARING TO DETERMINE THE SUFFICIENCY OF THE RECALL CHARGES BROUGHT IN THE RECALL OF DAWN JANOW, KITSAP COUNTY CAUSE NO. 23-2-00859-18, PURSUANT TO RCW 4.96.041(3): MSC: DeWitt/Swolgaard: Move to authorize the Park District to pay for Commissioner Janow's defense. Commissioner Janow abstained.** Commissioner Kinney said four of the five commissioners are facing recall on five charges. If all four board members were successfully recalled at the same time, then there would only be one commissioner left. There must be a quorum of three commissioners to pay a bill or to pass a budget. The Park District would come to a halt. The lights would be off, and the doors would be locked. The Kitsap County legislature would then appoint a second commissioner. Then Commissioner Goodlin and the appointed commissioner would have to have a public meeting to appoint a third commissioner. That whole process would take some time. He thinks there will be an exodus of staff, as they will not be paid. There is a shortage of workers in the field of parks and recreation and the Park District already has a hard time hiring. It would take months to get the agency back up to speed. Therefore, he thinks it is imperative for the Park District to defend the commissioners in this recall so that does not come to pass. Executive Director Terry Lande added that the commissioners are not guilty of any of the recall charges. Commissioner Kinney said the commissioners will be in court on Tuesday, May 30 at which point the judge is going to listen to arguments and decide on whether the recall charges are legally and factually sufficient. In Washington State there must be cause to recall a commissioner such as malfeasance, misfeasance, or violation of oath of office. The petitioner must identify a legal standard or mandate that was violated with facts to back that up. Commissioners cannot be recalled over the use of discretion, and they have discretion in administering the Park District as has been laid out in the law. The commissioners do not believe they have done anything wrong, and they plan to clear their names. Commissioner Janow said she is recusing herself from this agenda item. Commissioner Goodlin said that commissioners serve on a volunteer basis with no compensation. He thinks that because of the office the commissioners hold that if they are charged with something like this that it is appropriate for the Park District to pay the bills.

Park District Attorney Hayes Gori said as the Park District counsel he must weigh in on this topic per the statute. He read RCW 4.96.041(3) into the record:

RCW 4.96.041. Action or proceeding against officer, employee, or volunteer of local governmental entity —  
Payment of damages and expenses of defense.

(3) The necessary expenses of defending an elective officer of the local governmental entity in a judicial hearing to determine the sufficiency of a recall charge as provided in \*RCW 29.82.023 shall be paid by the local governmental entity if the officer requests such defense and approval is granted by both the legislative authority of the local governmental entity and the attorney representing the local governmental entity. The expenses paid by the local governmental entity may include costs associated with an appeal of the decision rendered by the superior court concerning the sufficiency of the recall charge.

Hayes Gori said this action is entirely authorized by statute and contemplated. Staff has contacted Enduris, the risk pool insurer for the Park District, which does not cover the defense costs in this case. His inquiry has been to determine if the charges encompass actions, decisions, and conduct that is within the scope of the commissioners' official duties. He has reviewed every petition and every charge and sub charge and is satisfied that all the charges do encompass official commissioner duties and for that reason he approves Commissioner Janow's request.

**REQUEST BY COMMISSIONER KEN DEWITT FOR THE PARK DISTRICT TO PAY THE NECESSARY EXPENSES OF DEFENDING HIM (INCLUDING COSTS ASSOCIATED WITH AN APPEAL) IN THE JUDICIAL HEARING TO DETERMINE THE SUFFICIENCY OF THE RECALL CHARGES BROUGHT IN THE RECALL OF KEN DEWITT, KITSAP COUNTY CAUSE NO. 23-2-00860-18, PURSUANT TO RCW 4.96.041(3):** Commissioner DeWitt recused himself from this agenda item. **MSC: Janow/Swolgaard: Motion to approve and authorize legal counsel through the Park District for Commissioner DeWitt. Commissioner DeWitt abstained.** Commissioner Janow said this started with a series of public records requests which are a legal obligation that is expensive and taxing to fulfill.

Adam Hunt said it is not a foregone conclusion that it will be a three-month process to replace the commissioners or that all the staff will leave.

Cat Weber said that there should be a cap put in place on the legal fees.

Park District Attorney Hayes Gori said this is an expedited legal proceeding and there will be an expedited right to appeal to the Washington State Supreme Court. In terms of the cost, it is bracketed in terms of time as it is a very fast procedure. In terms of notice of this special board meeting, the Park District met all the statutory requirements and went above and beyond by sending the agenda to a listserv consisting of thousands of island residents.

Commissioner Kinney said that if four commissioners were recalled all at once the big hurdle would be getting the county legislature to meet, vet a candidate, and appoint someone, which is not going to happen quickly. Then when the two commissioners go to appoint a third commissioner it will be hotly debated because the third person can align with either of the other two commissioners to have the power to appoint the fourth commissioner. The community would want to be heard throughout the process. There would be quite a delay in his estimation of what would happen if all four commissioners were removed from the office at once.

Hayes Gori said for reasons previously stated he approves this request.

**REQUEST BY COMMISSIONER TOM SWOLGAARD FOR THE PARK DISTRICT TO PAY THE NECESSARY EXPENSES OF DEFENDING HIM (INCLUDING COSTS ASSOCIATED WITH AN APPEAL) IN THE JUDICIAL HEARING TO DETERMINE THE SUFFICIENCY OF THE RECALL CHARGES BROUGHT IN THE RECALL OF TOM SWOLGAARD, KITSAP COUNTY CAUSE NO. 23-2-00861-18, PURSUANT TO RCW 4.96.041(3): MSC: DeWitt/Janow: Move that the board approve the request by Commissioner Swolgaard for the Park District to pay necessary expenses for defending him in the recall. Commissioner Swolgaard abstained.**

Adam Hunt requested an estimate from the board for how much money is being authorized today.

Park District Attorney Hayes Gori said the purpose of the statute is so that people will be willing to serve in elected capacities and not be subject to recall petitions that they must defend out of their own pocket. One does not want disincentives for people to serve in public office. The statute does not include any cap on what the agency can pay. There are five charges, and each petition is 60 pages long, and there are only 11 days between now and the court hearing. There will be a significant amount of work done on the briefing and then the attorneys will appear in court. He thinks it will cost at least \$10,000. The statute does not require a cap and he does not believe the public policy behind the statute would want that to be the case. Commissioner Janow said that counsel has not been retained yet, that is the next step. Commissioner Kinney said if you count the time that he, as an attorney, has already spent working on this it would already cost over \$25,000. He would not be surprised if it costs over \$40,000 which would be multiplied if it was taken to the Washington State Supreme Court.

Cat Weber asked if the recall could be retracted so there are not such dire consequences and said she thinks it is more of a matter of a way to work together for solutions.

Hayes Gori said for reasons previously stated he approves this request.

**REQUEST BY COMMISSIONER JAY KINNEY FOR THE PARK DISTRICT TO PAY THE NECESSARY EXPENSES OF DEFENDING HIM (INCLUDING COSTS ASSOCIATED WITH AN APPEAL) IN THE JUDICIAL HEARING TO DETERMINE THE SUFFICIENCY OF THE RECALL CHARGES BROUGHT IN THE RECALL OF JAY KINNEY, KITSAP COUNTY CAUSE NO. 23-2-00858-18, PURSUANT TO RCW 4.96.041(3):** Commissioner Kinney recused himself from this agenda item and Commissioner Swolgaard took over on the duties of chair for this agenda item. **MSC: DeWitt/Janow: Move that the board approve the request by Commissioner Kinney for the Park District to pay necessary expenses in defending him against the recall. Commissioner Kinney abstained.**

Adam Hunt said that taxes funded the public process in 2016 for Sakai Park planning, the concept plan developed for Sakai Park, and that taxes are funding the bond payments for the Sakai Park property.

Commissioner Janow said for the reasons previously stated she is in favor of this motion.

Hayes Gori said for reasons previously stated he approves this request.

**MEETING ADJOURNED TO EXECUTIVE SESSION** at 12:08 pm for discussion of litigation with announced time to reconvene at 12:38 pm.

**MEETING RECONVENED** at 12:38 pm and **ADJOURNED** at 12:38 pm.

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

BY: \_\_\_\_\_  
Jay C. Kinney

BY: \_\_\_\_\_  
John Thomas Swolgaard

BY: \_\_\_\_\_  
Dawn Janow

BY: \_\_\_\_\_  
Kenneth R. DeWitt

ATTEST: \_\_\_\_\_  
Tom Goodlin