

AGENDA

**Bainbridge Island Metropolitan Park & Recreation District
Regular Board Meeting 6:00 pm
Thursday – July 7, 2022**

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

20. PUBLIC COMMENTS (Oral Communications from Audience)

- 20.1 Public comments on topics not itemized elsewhere on the agenda.
Action: Information only.
- 20.2 Public comments on agenda topics.
Action: Information only.

30. BOARD CONSENT

- 30.1 Minutes: Regular Board Meeting of June 16, 2022
- 30.2 Financial: Approval of vouchers and payroll.

40. GENERAL BUSINESS

- 40.1 Revision of Resolution 2022-04 the COVID-19 Policy
for Employees and Volunteers Lande (20 min)
Action: Possible motion to amend policy.

50. DIRECTOR'S REPORT

- 50.1 Director's Report
- 50.2 Upcoming Meetings/Work Sessions/Events

07/21/22	Regular Board Meeting	6 pm	Bainbridge Island Recreation Center
08/04/22	Regular Board Meeting	6 pm	Bainbridge Island Recreation Center
08/18/22	Regular Board Meeting	6 pm	Bainbridge Island Recreation Center
09/01/22	Regular Board Meeting	6 pm	Bainbridge Island Recreation Center
09/15/22	Regular Board Meeting	6 pm	Bainbridge Island Recreation Center

60. BOARD MEMBER ITEMS

- 60.1 Remarks from Board Members
- 60.2 Board Member Committee Reports

70. WRITTEN COMMUNICATIONS

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.
- 110. **RECONVENE TO REGULAR SESSION**
- 120. **ADJOURNMENT**

Board Committees

Governance
 Capital Facilities
 Program
 Budget & Finance
 Personnel
 Ad Hoc Committee: Forest Management
 Ad Hoc Committee: Sakai Site Planning

2022 Board Representatives

DeWitt/Kinney
 Janow/Kinney
 Janow
 DeWitt/Goodlin
 Janow/DeWitt
 Swolgaard/DeWitt
 Goodlin/Swolgaard

Board Liaisons

Park District Committees:
 Trails Advisory Committee
 Dog Advisory Committee

Swolgaard/DeWitt
 Kinney/Janow

Community/Public Agencies:
 Bainbridge Island Parks & Trails Foundation
 Intergovernmental Work Group (IGWG)
 Bainbridge Island School District
 City of Bainbridge Island

Janow/Kinney
 DeWitt/Kinney
 Kinney/Goodlin
 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 JUNE 16, 2022
BAINBRIDGE ISLAND RECREATION CENTER**

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

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

ADJUSTMENTS TO AGENDA: Add a second executive session topic for personnel.

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.

PUBLIC COMMENTS ON NON-AGENDA ITEMS

Bernadette Witty said she has lived on Bainbridge Island for 24 years, been involved with Bainbridge Island Swim Club for 16 years and is a USA Swimming nationally certified official. She feels she speaks from experience and as a well-respected member of both the community and the swimming community. She has continued trust and confidence in the Park District's coaching staff to this day and thanks the Park District for its support. She has a mature, long-term perspective and knows there is more to the sport of swimming than tracking times on a scoreboard. She asks that the investigation regarding Head Coach Kyle Harris be prompt, thorough, and impartial. She has nothing but the highest of praise for Kyle Harris, who has her full and continued support.

Joe Solseng said he is a ten-year swim parent with Bainbridge Island Swim Club. He has also been very involved with the BISC booster club, although his comments tonight are his own. He joins Bernadette Witty in support of Head Coach Kyle Harris. He has spent a lot of time at the pool, and he has seen Kyle Harris coach when he did not know anyone was watching. He is a good coach, and he treats his swimmers very well. Joe Solseng said he has no idea what the complaints are, but if he had to guess they are groundless. He is also a lawyer and has been part of bureaucracies before and said he knows how bureaucracies think and move. The problem with bureaucracies is that they move very slowly. He urges the Park District to not treat this in the typical plodding way that bureaucracies have the tendency to, because the Park District is behind the eight ball. The complainants have a private investigator out right now interviewing kids. Normal bureaucratic speed is going to kill BISC. People are speculating that Head Coach Kyle Harris has been accused of some horrible offense. The bureaucracy will say it did what it should have done but Kyle Harris' reputation will be ruined and BISC will be destroyed.

Tyler Stuart said he has been a competitive swimmer since the age of seven and that he is now a collegiate swimmer. Currently his junior and senior high school swim mates are facing a robbing of their swimming futures. Colleges looking at the critical results of meets may not see an accurate representation of their true potential. Their futures are vulnerable because they are not training and competing with their coach. He asks that the investigation be expedited so that his teammates can resume their training. He does not know about the exact nature of the complaints, but he knows that the heart rate zone colors have no tie to race or racism. He is aware that there is a clothing policy for dryland training, which is common in college athletic programs. Those complaints have no grounds and are purely biased.

Yumiko Inoue said her son is a 14-year-old Bainbridge Island Swim Club member. As a parent she does not believe that Head Coach Kyle Harris deserves the allegations brought against him. As a person of color, her and her family have experienced discrimination several times. She feels that both gender and race-based discrimination is common for people like her. Neither she nor her son have seen any gender or racial discrimination or harassment from Head Coach Kyle Harris. He cares

about every swimmer equally, regardless of their race or gender. Before Kyle Harris came on board her son was starting to lose his passion for swimming. Since Kyle Harris started coaching, her son thinks swimming is fun again and he looks forward to it. She supports Kyle Harris 100%.

BOARD CONSENT

APPROVAL OF MINUTES:

Upon making the following revisions to the minutes of the June 2, 2022 regular board meeting, Chair DeWitt stated the minutes stand approved as corrected: On page 2 under the Board Meeting Format discussion, after the motion insert: (Nay – Goodlin).

APPROVAL OF PAYMENTS: MSC: Janow/Swolgaard: 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
06/02/22	001 General Fund 002 Imprest Fund 300 Capital Improvement Fund	23137-23163	118,223.36	06/02/22
06/08/22	001 General Fund 002 Imprest Fund 300 Capital Improvement Fund 310 Land Acquisition Fund	23164-23185	44,561.70	06/08/22

GENERAL BUSINESS

GENERAL FUND JANUARY-MAY BUDGET VS ACTUAL: Administrative Division Director Amy Swenson said the first section of the information included in the board packet is a summary of the General Fund, which includes Bainbridge Island Recreation Center. The second section is the same information with more detail and the third section just covers BIRC. Revenue is strong with 2.5 million in program revenue collected so far. Only 33% of the amount set aside for wages has been used, which is typical because most of the hiring is done at this time of year for the summer. Accounting Coordinator Stephanie Balangue has onboarded 68 new employees recently with more to come. Commissioner Kinney asked if this is about what Amy Swenson expects to see for this time of year. Amy Swenson said yes, and that the tax collection amount is typical for this time of year as well. She noted that regarding expenses, utility and gas expenses are going way up. The price of propane has gone up 28% from last fall. This is going to affect the budget and especially the BIRC budget as it uses a lot of propane. Commissioner Janow asked how much of an increase might be seen in the Aquatic Center budget. Amy Swenson said she is expecting a 30-35% increase in Aquatic Center utility expenses. The General Fund budget will have to be amended. BIRC revenue is strong considering that the facility is new to the Park District, last month 1,096 memberships were billed for. Executive Director Terry Lande said it is a strong number considering the COVID-19 pandemic and that typically some people stop their memberships for the summer season. Two things that will really affect the BIRC budget are the weather this summer, which will draw people to the pool if it gets warm, and the COVID-19 pandemic as there are still people who are not comfortable sharing space indoors. Recreation Division Director Mark Benishek said a couple of key positions at BIRC have recently been filled, such as the tennis specialist position. The fitness department is still short a personal trainer and a Pilates instructor. Commissioner Janow asked about summer camps at BIRC and how that impacts use of BIRC. Recreation Program Administrator Julie Miller said BIRC summer camps affect gym use a bit as that is the main location for the camp. Mark Benishek said BIRC summer camps are completely sold out, as well as swim lessons in the BIRC

pool. Commissioner Swolgaard asked why such a low amount was budgeted for utilities at BIRC. Terry Lande said for custodial and utility expenses staff based the budget on what they were told by the previous owner.

STRAWBERRY HILL PARK ARTIFICIAL TURF FIELD PROPOSAL: Park Services Division Director Dan Hamlin said that there are a lot of development ideas and options for Strawberry Hill Park being discussed currently. Assumptions for a new lighted artificial turf field are: 1) that it would be a football imprint with triple layouts for football, softball, and soccer, 2) the light poles would stay in their current locations, and 3) the infill would be the same as in the artificial turf fields at Battle Point Park. There has been no user group input to date, which is the likely next step if the board decides to move forward. Design and permitting will cost \$135,412.26 plus tax. The artificial turf field construction will cost \$1,716,134.54 plus tax. Potential upgrades include \$428,440 for lights, but that number should come down because the existing light poles will stay in their current locations. Another upgrade would be using cork infill, which would cost an additional \$200,311.20. Details in the estimate include \$102,771 for new backstops, \$72,800 for fencing, and \$54,320 for site furnishings such as benches. The biggest unknown is what the cost will be for stormwater engineering, which will not be known until the design and permitting phase is complete. **MSC: Janow/Swolgaard: Motion to recommend staff move forward with the design and permit process for an artificial turf field at Strawberry Hill Park not to exceed \$150,000 and to have staff meet with user groups for their input on the project.**

NATURAL RESOURCES UPDATE: Natural Resources Manager Lydia Roush said when she first started employment the priorities for her position were identified as wildfire mitigation, improving forest health, and continuing to provide opportunities for sustainable community engagement with natural resources. One of her goals was to update software and she has been involved heavily with that. She has also done her homework by reviewing reports, existing management plans, easement and donation agreements, historical documents, and scientific literature. She has gotten to know and engage with area partners and user groups. She said everybody has different ideas about how natural resources are growing and working together and so the best thing to do is get a lot of different opinions and blend them together into one management plan. Staff has looked at stocking densities, which is how many trees there are in a unit area. In a lot of Park District parks there are a lot of trees per unit area, which increases stress. She shared a core sample from a roughly 55-year-old tree at Strawberry Hill Park that shows the growth rings getting significantly smaller with age; the tree is not growing properly because nutrients have been limited, it has had to fight for space and light, and it has been stressed out. This makes trees very unstable, and they do not absorb much carbon which typically amounts to how much volume a tree puts on. She has been looking at structural diversity, including the understory, mid story, and over story as well as species diversity, and invasive species. At Sakai Park, every species in the field is invasive or non-native. The Park District has acres and acres of fields that are not serving any ecological function, which is also something she would like to tackle soon. The first parks she is working on are Strawberry Hill Park, Moritani Preserve, and Grand Forest. Moritani Preserve is due for its five-year management plan update and a request for qualifications has been posted for development of that plan. There will be additional thinning at Moritani Preserve this fall and staff wants to start turning the non-native fields into meadows which will help sequester carbon and be much more drought tolerant. She is currently writing a management plan for Strawberry Hill Park and staff is trying to pair the restoration with the development of the bike park. Staff hopes to begin implementing that management plan by the end of the year. For the Grand Forest, staff has specifically been zoning in on root rot assessment and monitoring and a management plan is in the works for that site as well. She met with Deputy Chief Jared Moravec with the Bainbridge Island Fire Department about what the Park District can do to help prevent wildfires as well as what can be done to be helpful in the event of a wildfire. He asked that the Park District create a 20-foot buffer around high use parks and that ladder fuels are reduced. This may mean reduced vegetation in those areas to create disconnects to slow or stop the spread of fire. Staff has been using GIS to assess where to start this process by creating risk maps for buffers, focusing particularly on slopes where fire moves the fastest. Educational campaign material is being

created for a campaign called: We Love Healthy Forests. The goal is to educate the community on why forests need management and why some trees or vegetation may need to be removed, it will be launched at the 4th of July parade. Commissioner Swolgaard asked why Gazzam Lake Nature Preserve was not included as one of the first parks to get a management plan. Lydia Roush said because it is under a conservation easement the amount of work that can be done there is limited. Commissioner Kinney asked what is done about root rot. Lydia Roush said it depends on who you talk to and said that root rot is not always a bad thing as it opens the canopy for planting heartier and drought tolerant species. Staff is still trying to assess how to manage root rot and it may look different in different areas. The area of root rot in the Grand Forest near Miller Road has been assessed annually for over ten years. Commissioner Swolgaard said there are a lot of dead trees in the Grand Forest along Miller Road. Executive Director Terry Lande said having a natural resources manager is a dream come true for the Park District and the work being done is impressive. Commissioner Janow said she is thrilled and has learned more in the last ten minutes than she has learned in a long time. She is excited the focus of the 4th of July parade float is educating the community on this topic and asked how this could be incorporated into programming so more people can learn about what makes a safe and sustainable forest. Commissioner DeWitt said this is a great opportunity to have education on urban forest planning and improving carbon sequestration. Commissioner Swolgaard said forests are very important to this community.

RESOLUTION 2022-07: SUPPORT FOR RENAMING WATERFRONT TRAIL: Commissioner DeWitt said that this item is near and dear to his heart. Resolution 2022-07 supports the City of Bainbridge Island in renaming the Waterfront Trail the Charles Schmid Waterfront Trail. Tuesday night he attended the City Council meeting to advocate during public comment for the renaming of the Waterfront Trail. Commissioner Swolgaard asked how his comment was received and Commissioner DeWitt replied that it was well received as there is a lot of support for this around the island. Commissioner DeWitt read Resolution 2022-07 aloud. **MSC: Kinney/Swolgaard: Move to adopt Resolution 2022-07.** Commissioner Swolgaard said Charles Schmid was a great member of the community and he thinks it is great that he can be honored. Commissioner DeWitt said Charles Schmid worked tirelessly, and the Waterfront Trail would never have happened without his determination and leadership.

DIRECTOR'S REPORT

Recreation Division: Recreation Division Director Mark Benishek said the recreation department has been extremely busy onboarding summer staff. Summer programming launches next week. The fall program catalog is almost halfway finished. Active Adult Program Manager Sue Barrington's walkabout program at Battle Point Park has been updated with work from a local author and illustrator highlighting marine life. Recreation Superintendent Bryan Garoutte said there is a recreation companion and inclusion training at the Aquatic Center this Friday for summer staff. No More Schoolapalooza was today and there were 600-800 kids in attendance enjoying free food and activities. Commissioner DeWitt said No More Schoolapalooza was started in 1998 as an Eagle Scout project at Waterfront Park. The next teen event is Teen Night at Bainbridge Island Recreation Center on July 8. Recreation Program Administrator Julie Miller said the BIRC gym is open again after the floor was redone and it looks good. Summer camps start at BIRC next week with kids participating in swimming and tennis each day. So far, 53 BIRC student summer passes have been sold. More people are coming to BIRC to use the pool recently which has been fun to watch and group exercise classes are growing. Sports Program Coordinator Audree Gormanson started a corn hole league. The men's softball league starts tonight with six teams registered. Gymnastics is starting off summer with two full parkour camps next week. One of the all-terrain wheelchairs in the Gear Bank will be used at the Juneteenth celebration in Bremerton. All-Day Explorer Camp starts next week and for the first time ever nearly every week is full.

Park Services Division: Park Services Division Director Dan Hamlin said Kitsap Public Utility District did not find a suitable well source in their easement in Gazzam Lake Nature Preserve. KPUD will use the easement as a storage facility and will be moving forward with cleaning up the site. The Ray Williamson pool scoping meeting will be tomorrow for the restoration project, the firm selected for this project has an extensive amount of experience working with pools of the same age. Student Conservation Corps and trails crew will start June 27. SCoCo has thirty kids working for three-week sessions. Trails crew has almost filled all its positions. The Blakely Harbor Park restroom and the porta potty in front of the KidsUp! Playground bathroom have been blown up. Neighbors at Williams-Olson Park have reported fireworks going off in the middle of the night. Senior Planner Perry Barrett said the sail float replacement project is moving forward with a cultural study being initiated for permitting and for the grant opportunity. The meeting with Asakura Robinson LLC regarding the Strawberry Hill Park request for proposals went well and the firm will be fully reviewed by the end of this month. He sat in as a representative for the Park District on the review committee for the Sound to Olympics trail request for qualifications led by the City of Bainbridge Island.

Creative Services Manager Douglas Slingerland said staff is looking forward to the 4th of July parade and launching the We Love Healthy Forests campaign. There will be a new natural resources section on the website.

Executive Services Manager Helen Stone said she is currently working on four public record requests. There is a large ongoing request from Mark Hoffman for records with the key words: Gazzam, wildlife, and preserve. There is a request from Jonathan Baas regarding a custodial invitation to bid that his company did not win. Jennifer Solseng has submitted a request regarding complaints made against Bainbridge Island Swim Club Head Coach Kyle Harris which will require input from Park District Attorney Hayes Gori. American Transparency out of Florida has submitted a request for a list of names and other personnel file information which will require input from Hayes Gori if they fill out the non-commercial use declaration.

BOARD MEMBER ITEMS:

- Commissioner Kinney said that he and Commissioner DeWitt had an interesting meeting with Park Services Division Director Dan Hamlin and Natural Resources Manager Lydia Roush to get a preview of the forestry plan.
- Commissioner Kinney said an Eagle Scout project for a chess table near the KidsUp! Playground at Battle Point Park was recently completed.
- Commissioner Janow said that on June 6 she attended a Dog Advisory Committee meeting. The committee is starting to get some good feedback for ways to meet the needs of the community with the dog park expansion.
- Commissioner Janow said she saw the newly redone pump track at Battle Point Park, and it looks great.
- Commissioner Janow said a couple of meetings ago she talked about affordable housing on Bainbridge Island and how the Park District may or may not fit into that. She feels it would be interesting to discuss as a board if the board wants to give staff guidance on this issue. Commissioner Kinney said that it is policy more than operations and he thinks that the board needs to take the lead on that. The community has given the Park District the role of taking care of parks, not housing. Giving land or resources to housing is not what the Park District has been tasked with. However, the Park District can help by providing people in condos and apartments with great parks to stretch their legs and get their dogs outside. He thinks this is one of the reasons the community supported the purchase of Sakai Park, and it needs to be developed and made attractive for people. Commissioner DeWitt said dense housing means people are going to want park space. He got an email the other day requesting an additional dog park downtown due to the population density. Those are the types of things the Park District can look at. Commissioner Janow said the other piece for her is that affordable housing is a component to recruiting and retaining excellent staff. She asked if the board wants to draft a blanket statement about how the Park District addresses that need

on Bainbridge Island. Commissioner DeWitt said that is an item that the City of Bainbridge Island is taking the lead on. Commissioner Janow said she is trying to be proactive and that the Park District could be ready with a statement if the City asks. Executive Director Terry Lande said he is certain that staff does not know where the board stands on this issue yet. He would ask the board to have more dialogue and be more directive about what statement they would want made by staff. Commissioner DeWitt said he would want to see direction from the City since they are the lead agency on affordable housing. Terry Lande said the first question would be does the board want to make a statement about whether it supports affordable housing, the second question would be does it want to make a statement about what its role is in affordable housing. Commissioner Janow said it is a very complex issue. She thinks the Park District should take a stand on saying it is willing to help to create parks and sustainable environments for diverse housing. She thinks the Park District has an active role to play in creating a diverse and sustainable community. Commissioner Swolgaard said it is a tough one because it is not the Park District's business, it is City's because the City controls what happens to property on the island.

- Commissioner Janow said the Park District should think about including in board meetings an acknowledgement of ancestral land. It is becoming increasingly popular to do, and she thinks it is important.
- Commissioner DeWitt said on June 4 he staffed a booth at Gazzam Lake Nature Preserve for National Trails Day. It was a good opportunity to talk to people about the Kitsap Public Utility District easement activity, including that there will be more parking added.
- Commissioner DeWitt attended Walt Ball's memorial. Walt Ball was a Park District commissioner in the 70's.
- Commissioner DeWitt thanked Executive Services Manager Helen Stone for her work putting together Resolution 2022-07.

MEETING ADJOURNED to a seven-minute recess at 7:48 pm with announced time to reconvene at 7:55 pm. **MEETING RECONVENED** at 7:55 pm.

MEETING ADJOURNED TO EXECUTIVE SESSION at 7:55 pm for discussion of personnel and real estate with announced time to reconvene at 8:25 pm.

MEETING RECONVENED at 8:25 pm and **ADJOURNED TO EXECUTIVE SESSION** at 8:25 pm for continued discussion of the above items, with announced time to reconvene at 8:40 pm.

MEETING RECONVENED at 8:40 pm. **MSC: Kinney/Janow: Direct Park District Attorney Hayes Gori to make an offer of 1.1 million dollars for the Comcast property as is.**

MEETING ADJOURNED at 8:42 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

DRAFT

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