



# Peninsula Metropolitan Park District

PO Box 425 – Gig Harbor, WA 98335  
253-858-3400 – [info@penmetparks.org](mailto:info@penmetparks.org)  
[www.penmetparks.org](http://www.penmetparks.org)

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## REGULAR MEETING AGENDA

May 05, 2020, 6:00 PM

**ATTENTION:** Protecting the public, our partners, and our staff are of the utmost importance. Due to recent health concerns with the novel coronavirus, the Park Board has decided to host the meeting online. In accordance with the Governor's Stay at Home Order issued on March 23, 2020, the public is strongly encouraged to participate via teleconference. You can listen to the study session and regular meeting by phone at the following number +1 253-215-8782 Meeting ID: 843 3912 2242 Password: 481068 You can contact PenMet for Zoom info at [admin@penmetparks.org](mailto:admin@penmetparks.org)

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### Call to Order

#### Commissioner Roll Call:

	Present	Excused	Comment
Maryellen (Missy) Hill			
Amanda Babich			
Laurel Kingsbury			
Kurt Grimmer			
Steve Nixon			

#### ITEM 1 Approval of Agenda

**ITEM 2 Citizen Comments:** Due to current circumstances, we will be accepting citizen comments via email at [ssnuffin@penmetparks.org](mailto:ssnuffin@penmetparks.org) up until 5:00 PM May 4, 2020. Comments will be read and recorded in the meeting.

#### ITEM 3 Presentations

- 3a. Director's Report
- 3b. President's Report

#### ITEM 4 Consent Agenda

- 4a. Approval of Meeting Minutes  
4-21-20 Study Session and Regular Minutes
- 4b. Approval of Vouchers  
\$171,109.16 Reference Number: V2020-192-218  
\$99,558.72 Reference Number: V2020-219-242

#### ITEM 5 Unfinished Business

- 5a. COVID-19 Fiscal Update



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## ITEM 6 New Business

### 6a. RESOLUTION NO. R2020-006 AUTHORIZING LETTER OF ENGAGEMENT FOR LEGAL REPRESENTATION

## ITEM 7 Comments by Board

### 7a. Committee Updates

## ITEM 8 Next Board Meetings Tues. May 19, 2020 (Study and Regular) Via Zoom Meeting

## ITEM 9 Executive Session:

### 9a. Executive Session: to consider the acquisition of real estate per [RCW 42.30.110(1)(b)]

## ITEM 10 Adjournment

## AGENDA POLICY

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No comments or discussion will be allowed on consent items.

Public comment will be allowed on each Regular Agenda Action Item. Each speaker will be limited to a three (3) minute time limit and may only speak once with a total of 15 minutes per side. Comments will be included as part of the official record of the meeting.

Citizen Comments: Citizens are afforded an opportunity at each regular and special meeting of the Board of Park Commissioners to offer their comments to the Board. Citizens are limited to a three (3) minute time limit and may only speak once during the Citizen Comment period at each meeting. Comments will be included as part of the official record of the meeting.

Individuals requesting an item to be placed on the agenda must submit a request by 12 noon on the Tuesday preceding the Monday meeting date.

Individuals wishing to submit materials or written testimony to the Board at the meeting must provide ten (10) copies at least 15 minutes prior to the start of the meeting.

**\*Special Note: Due to current circumstances, we will be accepting citizen comments via email at [ssnuffin@penmetparks.org](mailto:ssnuffin@penmetparks.org) up until 5:00 PM the Monday prior to PenMet Parks Regular Meetings. Comments will be read and recorded in the meeting.**



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## EXECUTIVE DIRECTOR REPORT: MAY 5, 2020

- Provided an updated parks operation plan in light of Governor Inslee’s new guidance for outdoor recreation, effective May 5<sup>th</sup>, 2020
- Worked on a press release with Marketing Specialist, Chuck Cuzzetto, to outline current state of affairs for PenMet Parks with updates on park and service changes that will go into effect on Tuesday, May 5<sup>th</sup>
- I attended my first virtual Board Meeting for the Gig Harbor Chamber of Commerce on Tuesday, April 28<sup>th</sup>. I now serve an active role on the Board, as well as a member of the Public Affairs Forum (PAF) Committee; consisting of fellow members Kurt Grimmer, Terry Lee, and John Shoemaker
- The PAF hosted its first ever virtual meeting on Thursday, April 30<sup>th</sup> at 8:30 AM. Our guest speaker was Pierce County Councilmember Derek Young. I played the role of Zoom host, but also provided updates on behalf of PenMet Parks
- Completed Cybersecurity training by means of MRSC webinar. Very informative!
- A DRAFT copy of the long range meeting calendar is included in your packet and will be revised internally with Board President, and Board Clerk, and Executive Director



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## DEPARTMENT STAFF REPORT: April 22 – May 5, 2020

### Marketing/Communications

- Working with all departments on the summer Parks and Recreation Guide
- Working with the Senior Center for content in the Summer Parks and Rec Guide, marketing at home meals and other programs
- Tri-County Meetings twice weekly for updates on communication regarding COVID
- Updated signages regarding COVID (beach access, NRPA social distancing on trails and urging visitors not to crowd)
- Special announcement page updated to reflect current ordinances regarding parks, beach access and open spaces
- Press release issued regarding current ordinances regarding parks, beach access and open spaces
- Attended emergency management meeting for updates on events and program communication
- Working with other partners and departments to provide at home and healthy opportunities (i.e. Harbor WildWatch, Gig Harbor FD, etc.)
- Eblast issued for program and park updates

### Capital

- RFQ for Architect published 2/20 & 25. Responses received to 4/17/20
- Interviews scheduled for four firms on 5/4/20
- Owner's Representative selected and working
- GCCM application submitted to Project Review Committee 4/19/20.
- Presentation scheduled for 5/28/20
- CRC WiFi planning 2/24/20, estimate coming after 4/29 site visit
- Permits approved for SHP Lighting project
- Negotiating with GPC over amphitheater parking lights reaching tentative agreement, adjusting Meadow boundaries to match grass area
- Parking light poles arrived on site 2/20/20, installed
- Scoreboard installed; training in progress
- Hales Pass renovation design underway and under review; cost estimating in progress.
- Shared design progress with public at Arletta Store, on website, and e-mail to meeting attendees



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## Finance Report

- Set up our ADP payroll system for the Family First Corona Virus Response Act and filing the necessary paperwork with the Washington State Unemployment Office for relief of benefit charges
- Currently working on the purchase of the new accounting software BIAS

## Human Resources

- Staff is completing the State Auditors Cybersecurity training video online this week and next month they will all read the PenMet Safety plan
- One 12-week seasonal maintenance person, Charles Walker, has been hired starting May 18<sup>th</sup>. Charles is a returning PenMet seasonal worker and college student from Gonzaga University

## PEG Grants in progress (Currently on hold)

- Voyager PTA Playground (approved, in progress, presenting for reimbursement soon)

## Volunteers

- Parks Appreciation Day April 25 postponed, working on non-structured version for now

## Maintenance & Facilities

- Put down 20 yards of gravel at Rotary Bark Park and McCormick Park trails (muddy spots)
- Re-seeded grass at SHP for the lighting project
- Completed Sunrise Beach House bathroom repairs
- Fox Island Fishing Pier stormwater maintenance completed (Pierce County inspected)
- Irrigation repairs completed at SHP and Rosedale Field
- Starting on Master Gardner's Demo Garden irrigation repairs adding in a filter on the mainline
- SHP Concession stand bathroom faucet repair

## Recreation

- Recreation Team is working on the Summer Guide and updating information due to Covid-19 issues
- Staff is working on new ideas for classes and leagues when we can start programming again



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- Mike attended two online WRPA conference meetings via Zoom which had to deal with Athletics, Fitness, Facilities, Rentals and Marketing. Issues around the state are in line with the issues currently at PenMet Parks
- Recreation looking to work with Marketing on offering the online sale of gift cards that can be redeemed at any day/time and do not expire
- Spencer has started looking into grants to update/upgrade the Mini Golf at the new CRC site
- Mike continues to work with ActiveNet to address refunds and best practices moving forward with registrations

## Events

- No events currently

## Staff Anniversaries:

- None



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May 2020				
<b>Tues 5/05</b>	5/01	5:00p	Study Session	Discussion: Community Recreation Center Funding Discussion
<b>Tues 5/05</b>	5/01	6:00p	Regular Meeting	Presentation: Discussion: 6a. RESOLUTION NO. R2020-006 AUTHORIZING LETTER OF ENGAGEMENT FOR LEGAL REPRESENTATION  Approval:  <u>Consent:</u> Minutes: Vouchers:  Executive Session: 9a. Executive Session: to consider the acquisition of real estate per [RCW 42.30.110(1)(b)]
<b>Tues 5/19</b>	5/15	5:00p	Study Session	Discussion: CRC Updates
<b>Tues 5/19</b>	5/15	6:00p	Regular Meeting	Presentation: Discussion: Approval:  <u>Consent:</u> Minutes: Vouchers: Executive Session:
June 2020				
<b>Tues 6/02</b>	5/29	5:00p	Study Session	Discussion:



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<b>Tues 6/02</b>	5/29	6:00p	Regular Meeting	Presentation: Discussion: Approval:  <u>Consent:</u> Minutes: Vouchers: Executive Session:
<b>Tues 6/16</b>	6/12	5:00p	Study Session	Discussion:
<b>Tues 6/16</b>	6/12	6:00p	Regular Meeting	Presentation: Discussion: Approval:  <u>Consent:</u> Minutes: Vouchers: Executive Session:
<b>BUDGET</b>	Executive Director reviews staff budget requests and revenue projections			
<b>July 2020</b>				
<b>Tues 7/7</b>	7/3	5:00p	Study Session	Discussion:
<b>Tues 7/7</b>	7/3	6:00p	Regular Meeting	Presentation: Discussion: Approval:  <u>Consent:</u> Minutes: Vouchers: Executive Session:
<b>Tues 7/21</b>	7/3	5:00p	Study Session	Discussion:





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<b>Tues 7/21</b>	7/3	6:00p	Regular Meeting	Presentation: Discussion: Approval: Policy update  <u>Consent:</u> Minutes: Vouchers: Executive Session:
<b>Aug 2020</b>				



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## STUDY SESSION MINUTES

April 21, 2020, Approximately **5:00 pm**

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**Call to Order:** The meeting was called to order by Commissioner Hill at 5:04 pm

**Commissioners Present:**

Maryellen (Missy) Hill  
Kurt Grimmer  
Amanda Babich  
Laurel Kingsbury  
Steve Nixon

**Staff:**

Doug Nelson  
Elaine Sorensen  
Eric Guenther  
Stacie Snuffin  
Ed Lewis  
Chuck Cuzzetto

**ITEM 1 Approval of Agenda**

Commissioner Nixon made a motion to approve the agenda, seconded by Commissioner Grimmer. The agenda was approved with a 5-0 vote.

**ITEM 2 Board Discussion**

**2.a PenMet Parks General Fund Budget/CRC**

Executive Director, Doug Nelson, lead a discussion regarding the PenMet Parks General Fund Budget and some considerations to be made due to the Covid-19 Pandemic for the PenMet Parks CRC Project and General Capital Fund. He discussed the General Fund and property taxes and how the 2008 recession affected PenMet Parks and how we are using that as a basis for forecasting and different budget considerations due to Covid-19. Commissioner Nixon and Elaine Sorenson, Finance and HR Specialist discussed property tax values and how they might be affected over the next three to six years. Nelson discussed some of the methods PenMet Parks will use for future budget forecasting. Eric Guenther, Planning &



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Special Projects Manager, discussed modeling calculations for projecting levy declination as proration takes effect. Nelson discussed that there will be further discussion in a committee meeting and future study sessions. Nelson discussed an overall update for submittals for a design firm for the CRC Project and that there will be a committee meeting to decide on the finalists for the firms that will be interviewed by staff and the Board and that process. Commissioner Babich discussed the feasibility study that was done previously and that there had been a discussion of what would happen if there was an economic downturn. Nelson discussed contingencies set in place or future plans and guidelines, paying close attention to what others in the industry are doing. Commissioners discussed being cautious and proactive in moving forward with the CRC Project. Guenther discussed phasing and escalations along with Bond Interest; and also discussed the pro's and con's a phased approach to constructions and the different cost impacts.

**ITEM 3     Adjournment** Commissioner Hill adjourned the meeting at 5:58 pm

**APPROVED BY THE BOARD ON:** \_\_\_\_\_

\_\_\_\_\_  
**President**

\_\_\_\_\_  
**Clerk**



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## REGULAR MEETING MINUTES

April 21, 2020, Approximately **6:00 pm**

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**Call to Order:** The meeting was called to order by Commissioner Hill at 6:00 pm

### Commissioners Present:

Maryellen (Missy) Hill  
Kurt Grimmer  
Amanda Babich  
Laurel Kingsbury  
Steve Nixon

### Staff:

Doug Nelson  
Elaine Sorensen  
Eric Guenther  
Stacie Snuffin  
Ed Lewis  
Chuck Cuzzetto

### ITEM 1 Approval of Agenda

Commissioner Grimmer made a motion to approve the agenda, seconded by Commissioner Nixon. The agenda was approved with a 5-0 vote.

### ITEM 2 Citizen Comments: None

### ITEM 3 Presentations

#### 3.a Executive Director's Report

Executive Director Doug Nelson reported that PenMet Parks is continuing to monitor trail usage at our park properties and working with various staff members to keep signage and other messaging in place, including online information. Commissioner Kingsbury inquired if PenMet Parks may reopen its beaches in the near future. Commissioner Babich commented that we should be following the State Mandates and that we will probably ramp up in a reverse order for closing down. Nelson concurred that it will probably be a slow rollout and make sure the public practices safety measures and keeping an eye on how the public is following these measures through park stewardship. Nelson reported that he will be



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getting out a letter explaining PenMet retaining legal representation with PerkinsCoie to help with owners' representation, retention of a design and construction firm for the CRC project. He reported that PenMet delivered over 1,000 Easter Bags to citizens homes. Nelson also reported that PenMet had to upgrade their Bandwidth due to increased activity to the PenMet Website. Commissioner Babich and Nelson discussed the legal representation further. Eric Guenther, Planning & Special Project Manager, explained to the Commissioners the purpose for retaining outside legal representation for the CRC Project and why PenMet would go with hiring PerkinsCoie. Commissioner Babich asked if there would be detailed costs for the PerkinsCoie in the next meeting. Guenther confirmed that there would be.

### **3.b Finance Report**

Elaine Sorensen, Finance & HR Manager, reported on the General Fund for February-March and that PenMet would probably not see any drops in revenue from recreation until April due to Covid-19. Sorenson reported on the Capitol Fund Budget and the Endowment Fund. Commissioner Babich inquired about if there needed to be a policy change for the Endowment Fund. Sorenson reported on the Recreational Revolving Fund. Nelson discussed refunds and credits and how it's being addressed with Commissioners. Sorenson reported on total refunds to date, and what is still held in credits.

### **3.c President's Report: None**

## **ITEM 4 Consent Agenda**

Commissioner Nixon made the motion to approve the agenda, seconded by Commissioner Kingsbury. The agenda was approved with a 5-0 vote.

### **4.a Approval of Meeting Minutes**

4-07-20 Study Session and Regular minutes

## **ITEM 5 Unfinished Business**

### **5.a Covid-19 Fiscal Update**

Executive Director Nelson updated the Board on considerations being made on precieved budget impacts and what they are. This included the recreation team monitoring and giving updates as new information comes in as what this will look like for future recreation possibilities.

## **ITEM 6 New Business**

### **6.a Sehmel Homestead Park Turf Replacement Grant Assitance**



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Nelson reported on Grant Funding for the Sehmel Homestead Park Replacement and a Grant Assistance opportunity that would save PenMet Parks a substantial amount of money. Nelson was seeking approval for staff submitting a Letter of Intent to the Washington State Recreation and Conservation Office (RCO) for a Youth Athletic Facilities (YAF) Grant to replace synthetic turf at Sehmel Homestead Park. The Board and staff had a discussion on time frames and who helps with the write up for the grant which would be Droll and why PenMet chose them. Commissioner Grimmer made a motion to approve Resolution R2020-006 authorizing the Executive Director to sign the agreement with Robert W. Droll, Landscape Architect, PS to assist with the grant application for synthetic turf replacement on the soccer field at Sehmel Homestead Park. Seconded by Commissioner Nixon. There was further discussion about crumb rubber and the drainage on the field between staff and the Board. The motion passed with a 5-0 vote.

## ITEM 7 Comments by Board

### 7.a CRC Marketing Committee

Commissioner Grimmer reported that the Marketing Committee issued the RFP for the Fundraising Consultant for the CRC. President Hill reported that the committee is waiting for proposals to come back by May 1, 2020 and will start the interview selection starting on May 11-15, 2020 and hopefully get through approval and negotiation of a contract around May 18-22, 2020.

### 7.b CRC Operations Committee

Commissioner Nixon reported the Operations Committee is reviewing 9 proposals for the CRC Design Firm. Nixon added that there were some great design firms who submitted proposals with the right type of experience for the CRC Project. Commissioner Kingsbury inquired about a Peninsula School District employee, Patrick Gillespie, who was added to the selection panel for the Design Firm. Commissioner Babich explained the reasoning behind his selection to the panel. She also explained in more detail the process of selecting a firm and the process of narrowing down the selection. She explained once the top firms were chosen that all the Commissioners would be part of the process along with taking public input.

### 7.a CRC Budget Committee

Commissioner Kingsbury reported that the Budget Committee has not had a second committee meeting. Nelson reported that they were waiting on more information and documents in order to have the next meeting. Commissioner Nixon commented that PenMet was waiting for the Fundraising Consultant to be brought on before forecasting a budget.



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Commissioner Babich brought up considerations for different committees for other future Park District projects besides the CRC Project that were a part of the Strategic Plan and that this should be revisited. President Hill proposed having further discussion with Executive Director Nelson and Commissioner Babich to discuss this topic being included in the next Study Session.

- ITEM 8**     **Next Board Meeting** Tues. May 05, 2020 (Study and Regular) Via Zoom Meeting
- ITEM 9**     **Executive Session: None**
- ITEM 10**    **Adjournment** Commissioner Hill adjourned the meeting at 7:28 pm

**APPROVED BY THE BOARD ON:** \_\_\_\_\_

\_\_\_\_\_  
**President**

\_\_\_\_\_  
**Clerk**



**Finance Department  
District Payment Transmittal**

District Name: Metro Park District-Peninsula

**PAYMENT LISTING**




<u>Trans Date</u>	<u>District Ref #</u>	<u>Payee Printed Name</u>	<u>Amount</u>
4/1/20	V2020-192	Kim Moureen Arnold	\$1,580.00
4/1/20	V2020-193	CITY OF GIG HARBOR	\$1,200.00
4/1/20	V2020-194	Pacific Office Automation Headquarters	\$1,492.00
4/1/20	2020-195	Tacoma Amateur Sports Officials	\$1,864.00
4/1/20	V2020-196	POA Leasing - PA	\$204.65
4/1/20	V2020-197	CREATIVE OFFICE FURNISHINGS	\$3,457.28
4/1/20	V2020-198	PENINSULA SCHOOL DISTRICT	\$9,914.00
4/1/20	V2020-199	Greater Gig Harbor Foundation	\$12,499.00
4/1/20	V2020-200	Strohs Water Company Inc.	\$93.19
4/1/20	V2020-201	Department of Retirement Services	\$25.00
4/1/20	V2020-202	Tacoma Screw Products	\$21.13
4/1/20	V2020-203	Tacoma Winsupply	\$140.70
4/1/20	V2020-204	Simplot Partners	\$251.19
4/1/20	V2020-205	The Fab Shop	\$1,582.00
4/1/20	V2020-206	HEMLEYS SEPTIC SERVICE	\$815.00
4/1/20	V2020-207	PURDY TOPSOIL & GRAVEL	\$66.87
4/1/20	V2020-208	Great Western Plumbing	\$1,187.95
4/1/20	V2020-209	Sarco Supply	\$885.78
4/1/20	V2020-210	Department of Retirement Services	\$21,632.19
4/1/20	V2020-211	HEALTH CARE AUTHORITY	\$22,410.59
4/1/20	V2020-212	Peninsula Metropolitan Park District	\$64,115.72
4/1/20	V2020-213	HealthEquity	\$100.00
4/1/20	V2020-214	Legal Shield	\$105.70
4/1/20	V2020-215	U.S. Bank Corporate Payment System	\$23,900.47
4/1/20	V2020-216	DEPARTMENT OF REVENUE	\$1,383.75
4/1/20	V2020-218	Enduris	\$181.00
Payment Count: 26		Total Amount:	<u>\$171,109.16</u>



Payment Count: 26  
Payment Total: \$171,109.16

**CERTIFICATION**

I, the undersigned do hereby certify under penalty of perjury, that the materials have been furnished, the services rendered or labor performed as described herein, and that the claim is a just, due and unpaid obligation, and that I am authorized to authenticate and certify to said claim.

 _____ Authorized District Official Signature	<u>4/1/2020</u> _____ Date	_____ Authorized District Official Signature	_____ Date
 _____ Authorized District Official Signature	<u>4/24/2020</u> _____ Date	_____ Authorized District Official Signature	_____ Date
 _____ Authorized District Official Signature	<u>4/29/20</u> _____ Date	_____ Authorized District Official Signature	_____ Date
_____ Authorized District Official Signature	_____ Date	_____ Authorized District Official Signature	_____ Date

**INSTRUCTIONS FOR USE:**  
Submit signed Transmittal To Pierce County Finance Department  
  
FAX: 253-798-6699      EMAIL: PCACCOUNTSPAYABLE@co.pierce.wa.us

**PC Finance Department Use Only**  
  
Authorization Recieved on \_\_\_\_\_  
Batch Verified by \_\_\_\_\_



**Finance Department  
District Payment Transmittal**

District Name: Metro Park District-Peninsula


**PAYMENT LISTING**

Trans Date	District Ref #	Payee Printed Name	Amount
4/15/20	V2020-219	HOME DEPOT	\$937.30
4/15/20	V2020-220	WILCO	\$9.59
4/15/20	V2020-221	Good To Go!	\$7.00
4/15/20	V2020-222	Department of Labor and Industries	\$4,624.76
4/15/20	V2020-223	CIT	\$166.13
4/15/20	V2020-224	Snapology	\$852.80
4/15/20	V2020-225	Brown Dog Realty LLC	\$9,152.74
4/15/20	V2020-226	LynnFit	\$378.01
4/15/20	V2020-227	Stephanie Fagering	\$40.00
4/15/20	V2020-228	Washington Tractor	\$240.96
4/15/20	V2020-229	Simplot Partners	\$1,558.94
4/15/20	V2020-230	WESTBAY AUTO PARTS	\$88.35
4/15/20	V2020-231	Department of Retirement Systems	\$100.00
4/15/20	V2020-232	The Driftmier Architects, P.S.	\$3,334.75
4/15/20	V2020-233	DEPARTMENT OF REVENUE	\$2,935.20
4/15/20	V2020-234	Roberts, Johns & Hemphill, PLLC	\$15,483.50
4/15/20	V2020-235	Kim Hairston	\$222.00
4/15/20	V2020-236	PIERCE COUNTY BUDGET AND FINANCE DEPT	\$3,496.96
4/15/20	V2020-237	Peninsula Metropolitan Park District	\$54,114.11
4/15/20	V2020-238	HealthEquity	\$100.00
4/15/20	V2020-239	Teach Me	\$196.00
4/15/20	V2020-240	Sound Environmental Solutions Inc.	\$1,080.43
4/15/20	V2020-241	PCRCD, LLC	\$142.19
4/15/20	V2020-242	Great Western Plumbing	\$297.00
Payment Count: 24		Total Amount:	<u>\$99,558.72</u>

Payment Count: 24  
Payment Total: \$99,558.72

**CERTIFICATION**

I, the undersigned do hereby certify under penalty of perjury, that the materials have been furnished, the services rendered or labor performed as described herein, and that the claim is a just, due and unpaid obligation, and that I am authorized to authenticate and certify to said claim.

  
\_\_\_\_\_  
Authorized District Official Signature      Date

4/16/2020

\_\_\_\_\_  
Authorized District Official Signature      Date

  
\_\_\_\_\_  
Authorized District Official Signature      Date

4/24/2020

\_\_\_\_\_  
Authorized District Official Signature      Date

  
\_\_\_\_\_  
Authorized District Official Signature      Date

4/29/20

\_\_\_\_\_  
Authorized District Official Signature      Date

\_\_\_\_\_  
Authorized District Official Signature      Date

\_\_\_\_\_  
Authorized District Official Signature      Date

**INSTRUCTIONS FOR USE:**

Submit signed Transmittal To Pierce County Finance Department

FAX:  
253-798-6699

EMAIL:  
PCACCOUNTSPAYABLE@co.pierce.wa.us

**PC Finance Department Use Only**

Authorization Received on \_\_\_\_\_

Batch Verified by \_\_\_\_\_



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## DISTRICT COMMISSION MEMO

**To:** District Commission

**From:** Doug Nelson, Executive Director

**Date:** May 5, 2020

**Subject:** **Authorize Signing Letter of Engagement for Legal Representation**

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### **Background/Analysis**

PenMet Parks is undertaking a project for the design and construction of a community recreation center (CRC) at 2416 14th Ave. NW, a former golf driving range.

A first step in this project involved discussions with several industry professionals regarding potential alternative project delivery methods including the General Contractor/Construction Manager (GC/CM) method. After significant research and discussions, GC/CM was identified as a preferred method for the design and construction of the CRC.

Subsequently, Parametrix was selected to provide Owner's Representation Services and support for an application to the State of Washington, Capital Projects Advisory Review Board (CPARB), Project Review Committee (PRC), for approval to use the GC/CM Alternative Project Delivery (APD) method under RCW 39.10.

RCW 39.10 includes special contracting requirements for GC/CM projects, and Andrew Greene and Perkins Coie were identified as possessing extensive experience with GC/CM contracting which is necessary for a successful GC/CM project.

The District's attorney has reviewed the agreement, and also provided a recommendation for this engagement.

Additional material follows below, discussing the nature of this engagement and budget. As recommended, staff currently has \$20,000 as a project-related budget estimate for legal services. If staff sees the potential for this budgeted number being exceeded, the Board will be notified.

### **Recommendation**

Staff requests that the Commission (I move to...) approve Resolution R2020-006 authorizing the Executive Director to sign the Letter of Engagement, in substantially the form attached, with Perkins Coie to provide Legal Representation for PenMet Parks.

### **Policy Implications/Support**

The District has adopted goals including:



# Peninsula Metropolitan Park District

PO Box 425 – Gig Harbor, WA 98335  
253-858-3400 – [info@penmetparks.org](mailto:info@penmetparks.org)  
[www.penmetparks.org](http://www.penmetparks.org)

- Developing and Maintaining High Quality Facilities: To build and maintain high quality facilities consistent with community planning.
  - District Funds: To maximize the use of tax revenues by using other resources such as grants, user fees, volunteers, and appropriate professional resources.
1. At their regular meeting on November 19, 2019 the Board of Park Commissioners adopted Resolution 2019-016 Adopting the 2020 Annual Budget which included funding for the Community Recreation Center.

Should you have any questions or comments please contact me at the earliest opportunity should additional research be required to provide answers at the meeting: 253-858-3408 or via e-mail at [DNelson@PenMetParks.org](mailto:DNelson@PenMetParks.org).

From Andrew Greene, Perkins Coie:

Below is a summary of the types of services that we typically perform for public owners undertaking GC/CM projects along with a budget range for each.

We represent dozens of public entities, large and small. As a result of this experience, we are able to efficiently prepare design and GC/CM agreements (and assist with other key documents like the RFQ and RFP). While it is common for the design and construction agreements to be based on “standard” forms published by the American Institute of Architects, the forms need to be heavily updated to address Washington law, project-specific issues, and other applicable requirements (all of which regularly change).

#### Approval and Procurement (\$2,000-\$3,000)

We typically assist with the PRC approval process, provide assistance in selecting an architect and GC/CM, and advise our clients through all aspects of the procurement processes mandated by RCW 39.10.

#### Contracts (\$5,000-\$15,000)

After firms are selected, we draft and negotiate both the architect and GC/CM contracts and ensure both address the requirements of RCW 39.10.

#### Advice During Construction (TBD—can range from under \$3,000 to more than \$20,000)

We also routinely stay involved and assist clients with issues that can develop during construction, ranging from contract compliance requirements to helping work through disputes.

At this point, I suggest that PenMet establish a \$20,000 budget for the work you should expect through the start of construction although the cost will hopefully be less. We also can bill for our services on a fixed price basis if PenMet prefers. (As I mentioned, some owners prefer a “fixed price” for budgeting purposes.) If that is your preference, we can develop a more detailed proposal but we typically would suggest a budget of approximately ¼ of 1% of construction cost (or .25%, which is about half what the State suggests), which would include all support needed through all aspects of the project (including construction) but would not include a formal dispute if one arose at the end of the project.

As you may know, we also regularly work with many public and private owners that have retained Parametrix and are therefore very familiar with how Parametrix likes to manage projects.

We look forward to discussing next steps with you at your convenience.



# Peninsula Metropolitan Park District

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## Peninsula Metropolitan Park District

### RESOLUTION NO. R2020-006

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**A RESOLUTION OF PENMET PARKS AUTHORIZING THE EXECUTIVE DIRECTOR TO SIGN A LETTER OF ENGAGEMENT FOR LEGAL REPRESENTATION FOR THE COMMUNITY RECREATION CENTER PROJECT**

WHEREAS, the Peninsula Metropolitan Park District (PenMet Parks) was formed in May 2004 by a vote of the people; and

WHEREAS, RCW 35.61 authorizes and establishes the powers of a metropolitan park district including delivery of parks and recreation services; and

WHEREAS, PenMet Parks previously contracted with Parametrix for Owner's Representation Services and support for an application to the State of Washington, Capital Projects Advisory Review Board, Project Review Committee, for approval to use the General Contractor/Construction Manager (GC/CM) Alternative Project Delivery (APD) method under RCW 39.10; and

WHEREAS, RCW 39.10 includes special contracting requirements for GC/CM projects; and

WHEREAS, Andrew Greene and Perkins Coie possess extensive experience with GC/CM contracting which is necessary for a successful GC/CM project; and

WHEREAS, the District's attorney has reviewed the agreement; NOW THEREFORE BE IT

RESOLVED, by the Board of Park Commissioners that the Executive Director be authorized to sign the Letter of Engagement with Perkins Coie to provide Legal Representation for PenMet Parks.

The foregoing resolution was adopted at a regular meeting of the Board of Park Commissioners of the Peninsula Metropolitan Park District held on May 5, 2020.

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Maryellen Hill, President

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Amanda Babich, Clerk

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Attest

April 24, 2020

**Andrew L. Greene**  
AGreene@perkinscoie.com  
D. +206.359.3234  
F. +206.359.4234

**VIA E-MAIL**

Mr. Doug Nelson  
Executive Director  
Peninsula Metropolitan Parks District  
5717 Wollochet Drive NW #3  
Gig Harbor, WA 98335

**Re: Legal Representation**

Dear Doug:

We are very excited that the Peninsula Metropolitan Parks District (“PenMet,” “you” or “your”) has selected Perkins Coie LLP as legal counsel. This letter describes the scope and terms of our engagement. Although this letter addresses the formalities of our engagement, we want you to know how honored we are that you have placed your trust in us.

As we discussed, Perkins Coie will represent you in connection with the Community Recreation Center project. This letter will also apply to any additional matters that we undertake at PenMet’s request, unless otherwise specified in a separate engagement letter addressing that matter.

Unless other arrangements are made, the principal factors in determining our fees will be the time and effort devoted to the matter and the hourly rates of the lawyers and paralegals involved. I will have primary oversight for Perkins Coie’s representation of PenMet, but we assign other firm lawyers and paralegals when necessary, beneficial or cost-effective and when desirable to meet the time constraints of the matter. My current discounted hourly rate for this initial matter is \$625 although we can, if separately agreed, perform work per task on a fixed price basis. (As I mentioned, we provide a discount to public entities of about 15% off our standard rates.) Our hourly rates range from \$940 per hour for our most specialized and experienced partners to \$160 for junior paralegals, depending on their experience levels. These rates are adjusted at least annually, usually on January 1. Services performed after the effective date of the new rates will be charged at the new applicable rates. We normally issue invoices for our fees and disbursements on a monthly basis. These invoices include detail that most of our clients find sufficient, but please let me know at any time if more detailed information is needed on our invoices. Please also refer to the enclosed Information for Clients for specifics regarding fees, disbursements, billing, payment, and termination of our representation should payment not be made or other circumstances warrant.

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Our representation of PenMet does not include acting as counsel for any entity in which PenMet holds equity or any subsidiary, affiliate, equity-holder, employee, family member or other person (collectively, "Affiliates"), unless such additional representation is separately and clearly undertaken by us. If in the future we and PenMet mutually agree to expand our representation of PenMet to include any of PenMet's Affiliates, it is agreed that the terms, conditions and consents contained herein will apply to such representation(s).

Perkins Coie represents many other companies, individuals and government agencies ("clients"). During the time we are representing PenMet we may be asked to represent:

- (1) other present or future clients in transactions, litigation or other disputes directly adverse to PenMet that are not substantially related to our representation of PenMet; and/or
- (2) parties who are considered directly adverse parties in matters we handle for PenMet. Our work for these directly adverse parties would be in matters that are not substantially related to our work for PenMet; and/or
- (3) PenMet in future transactions, litigation or other disputes directly adverse to other firm clients in matters not substantially related to our work for the other firm clients.

We request PenMet's consent to allow Perkins Coie to undertake such future representations without the need to obtain any further or separate approval from PenMet, as long as those representations described in (1) and (2) above are not substantially related to work Perkins Coie has done, or is doing, for PenMet. Your signature below constitutes PenMet's consent to such representation(s). We agree not to use any proprietary or other confidential nonpublic information concerning PenMet acquired by us as a result of our representation of PenMet in connection with any litigation or other matter in which we represent a party directly adverse to PenMet.

As we discussed, Perkins Coie has represented, and may in the future represent, the Peninsula School District in matters adverse to PenMet, including real estate transactions and any work arising out of such transactions. Under the rules governing professional responsibility and conflicts of interest, we may represent Peninsula School District on matters adverse to you and simultaneously represent you on unrelated matters, but only under certain conditions. First, we must have the written consent of both clients. Second, we must reasonably believe that we will be able to provide competent and diligent representation to each client. To the best of our knowledge, the work we are now being asked to undertake for you is not related to any legal services we are performing for Peninsula School District. We are confident that our ability to represent each client's interests will not be limited or compromised. This specific consent is not intended to limit the prospective consent to other potential matters summarized above.



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Perkins Coie may need to consult with or secure consent from its other current or prospective clients who are or may become adverse to you in order to clear or address actual or potential conflicts of interest. You agree and consent that to the extent it is reasonably necessary in such communications, Perkins Coie may disclose to each such current or prospective client the fact that Perkins Coie has or has had an attorney-client relationship with you.

During our representation of PenMet, there may be issues that raise questions about our duties under the rules of professional conduct that apply to lawyers. These might include, e.g., conflict of interest issues, and could even include issues raised because of a dispute between us and a client over the handling of a matter. Normally when such issues arise we would seek the advice of our Professional Standards Counsel, Loss Prevention partners or Professional Standards Conflicts Attorneys who are experts in such matters. Consistent with the rulings of courts in many jurisdictions, we consider such consultations to be attorney-client privileged conversations between firm personnel and counsel for the firm. However, there have been judicial decisions indicating that under some circumstances such conversations involve a conflict of interest between the client and Perkins Coie and that our consultation with Perkins Coie's counsel may not be privileged, unless we either withdraw from the representation of the client or obtain the client's consent to consult on a privileged basis with Perkins Coie's counsel.

We believe that it is in our clients' interests, as well as ours, that in the event legal ethics or professional responsibility issues arise during a representation, we receive expert analysis. Accordingly, as part of our agreement concerning our representation of PenMet, you agree that if we determine in our own discretion during the representation that it is appropriate to consult with our firm counsel (either Perkins Coie's internal counsel or, if we choose, outside counsel) we have your consent to do so on a privileged basis despite any alleged conflict of interest. You further agree that our continuing to represent you at the time of such consultation shall not thereby waive or otherwise limit any attorney-client privilege that Perkins Coie has regarding the confidentiality of our communications with our own in-firm or outside counsel. The costs associated with such legal counsel for Perkins Coie will be paid solely by Perkins Coie and will not be charged to you in any way.

This letter, along with the enclosed Information for Clients, confirms the terms and conditions under which Perkins Coie LLP will provide legal services to you. Unless otherwise agreed in writing, the terms of this letter and the enclosed Information for Clients will also apply to any additional matters that we undertake at your request. If you agree that this letter correctly describes the terms of our engagement, please sign and date a copy of this letter and return it to me. Should you have any questions about this letter, our services or fees, or if you have any other concerns, please call me at any time. We look forward to working with you and are gratified by your confidence in Perkins Coie.

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Sincerely,



Andrew L. Greene

ALG:cb

Enclosures: Information for Clients  
Perkins Coie IRS Form W-9

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ACCEPTED AND AGREED:

PENINSULA METROPOLITAN PARKS DISTRICT

By: \_\_\_\_\_  
Mr. Doug Nelson, Executive Director

Date: \_\_\_\_\_