

**DRAFT MINUTES
AQUATICS BOARD
Tuesday, July 23, 2019
City & Borough of Juneau – Room 224 – 4pm**

Statement of Philosophy:
Create Community through People, Pools and Effective Swim Programs

- A. **Meeting Convened at 4:03pm.**
- B. **Members Present:** Kristin Bartlett, Don Beard, Corry Isabell, Molly McCormick, Lena Merrell, Tom Rutecki, Pat Watt,
Members Absent: Tracy Morrison, Will Muldoon
Liaisons Absent: Carole Triem. – CBJ Assembly
Staff Present: George Schaaf, Kollin Monahan, Robert Palmer, Jane Mores
- C. **Agenda Changes** – No changes.
- D. **Approval of Minutes** – deferred to August meeting:
- E. **Public Participation on Non-Agenda Items** – None

F. Parks and Recreation Director Comments

As the new Ordinance becomes effective, the Board is expanded and most members are new. Hence this meeting is largely an orientation. Board work will be deferred to begin in August. After each Board and Staff member introduced themselves, Mr. Schaaf and Mr. Monahan gave each Board member a binder with key reference information in it: the CBJ Boards, Committees & Commissions Informational Pamphlet which spells out various rules and procedures; the Aquatics Ordinance and Board Bylaws; some recent meeting minutes; the two most recent annual reports; a financial report; and usage statistics.

Mr. Schaaf showed the recent video promoting Juneau's two pools. He then overviewed the Parks and Recreation Department and the Pools. Aside from Engineering and Public Works, Parks & Rec is the City's largest Department, and Aquatics is its largest division. With almost 200 people on the Aquatics payroll, approximately 90 of those are actively working at any given time.

Mr. Schaaf gave the Board a brief update on the status of renovation of Augustus Brown Pool. The Condition Assessment has been completed and the contractor's report is due shortly. The next step is to set priorities and plan the construction. It is expected that the pool could be closed for a year, and much planning will be necessary on how to accommodate all our swimmer needs at Dimond Park during that period.

G. Law Department Overview of Ordinance and Applicable State Law:

Mr. Palmer presented slides (appended to the minutes) summarizing components of the new Ordinance outlining the Board's responsibilities. Then he and Ms. Mores overviewed key requirements of the Alaska statutes governing Meetings, Conflict of Interest, Public Records, and Fundraising. He indicated that if a Board member has a question or a doubt about any of these, Law Department staff are always happy to be consulted. Acting in their Board capacity, each member is a Municipal Officer. Using guidance from the Law Department

helps to ensure that members do not become exposed for procedural mistakes. Mr. Palmer also drew attention to the Bylaws adopted by the previous Board when it was first created. He recommended that new members become familiar with both the Ordinance and the Bylaws, which should periodically be reviewed.

H. Aquatics Manager Comments

Mr. Monahan provided a more detailed overview of the two pools and encouraged Board members to tour the facilities to gain understanding in the complexity of their operations. Each pool has a leisure area and a larger area for swim lanes. Water in the leisure areas is maintained at 86°. Swim lanes are cooler, and Dimond Park also has a Hot Tub. Water in the different areas run through separate systems. The two pools together use over 750,000 gallons of water. For a number of reasons our pools use salt-water pool – not least due to the difficulty of transporting chlorine supplies to Juneau. Salt water is easier on the swimmer but does require special maintenance. Each pool is open for more than 80 hours each week. Aquatics staff consist of a small core of key full-time personnel, including two Pool Supervisors, and Administrative Assistant, Head Lifeguards, and a new Recreation Coordinator position to assist with program planning and supervision. The majority of remaining staff work on a limited part-time basis as lifeguards, pool attendants, instructors, etc. Some of these positions are great entry level opportunities for Juneau residents as a way to gain essential job skills. Parks & Rec staff also provides support to Aquatics for payroll, finance and building maintenance. Last fiscal year through the end of May, there were over 85,000 check-ins at the pools. This does not include Glacier Swim Club or School users who make significant use of the pools.

This past year, we have increased Lifeguard instructional capacity from 2 to 5 people able to train others in CPR, AED, and First Aid. Last month, we participated in the Red Cross Aquatics Examiner Service which conducted an in-depth facility review to evaluate our safety and lifeguarding operations. Prior to that visit we had implemented a new Safety Focus and created an Emergency Action Plan so that staff was thoroughly familiar with procedures for handling safety emergencies at the pools. In fact, we recently had a swimmer emergency in the pool and staff responded exactly as expected. Aquatics chose a camp model for swim lessons this summer, which has been very well received.

Some objectives for the coming year are: to initiate private (one-on-one) swim classes; in conjunction with GSC to purchase two inflatable logs and conduct Log-Rolling classes and events; and start some water polo team training and events. Mr. Monahan noted that a goal for Aquatics is eventually to be able to host Red Cross Academies providing Lifeguard Instructor and Water Safety Instructor training for other pools in Alaska. He also hopes to work with Thunder Mountain High School and UAS to include a Lifeguarding course in their curriculum offerings. He mentioned that the food service contract at the Dimond Park pool is up for renewal and the new solicitation may consider retaining the vendor to run the operation in lieu of pool staff. The overall goal is to increase the amount of cost recovery achieved at the pools.

I. Transition Information

Ms. Watt noted that Mr. Monahan's work with the pools during his tenure so far is impressive and is much appreciated. Ms. Watt then presented some items that the previous Board had prepared for the expanded Board, given that only she and Mr. Rutecki were continuing on.

- An Annual Calendar of To Dos (see appended) developed to help guide the agenda for each monthly meeting. Ms. Watt emphasized that the Ordinance provides a road map of what the Assembly expects

from the Board. A review of that document in conjunction with the Calendar would be in order to make sure everything is covered as the Board plans its work for the year.

- Suggestions for a Committee Structure (see appended). Ms. Watt noted that the prior Board had gone back and forth on the issue of Committees, beginning with several 3-person Committees and after a year switching to a single Committee of the Whole prior to each Board meeting. With an expanded Board, and an increased set of responsibilities, it seems that a return to a subcommittee structure is probably a good idea to help get all the Board's work done.
- A Brief History of Aquatics (appended). Ms. Watt noted that for at least two decades, swimmers have been eager to have a meaningful say in how the pools were managed. After some struggles and a lot of work we finally have reached what seems to be a stable solution that should last well into the future. The key lesson from history is how important it is to maintain open and honest communications and a trusting relationship between the Board and staff.
- Ms. Watt stated that, because minutes are such a useful reference, the previous Board preferred to have minutes prepared by a Board member. After rotating secretary duties, and having staff prepare the minutes, the Board decided to elect her as Secretary to take the minutes. She indicated a willingness to continue that task, should the Board desire. If so then the Bylaws ought to be amended to reflect the addition of a Secretary to the list of Officers.
- Mr. Rutecki explained that, during discussions with the City Manager on amending the Ordinance, the Manager sent the Board a memo encouraging the Board to operate on a schedule that is in rhythm with the municipal budget and to see as priority duties:
 - Planning and scheduling the Augustus Brown Pool remodel, and
 - Focusing on driving revenue and controlling costs.

J. Old Business - none

K. New Business -

- Election of Officers – Deferred until the August meeting.
- Board Meetings - Some discussion took place as to the time/location of Board meetings. This should be settled at the August meeting.
- Policies – Ms. Watt asked Mr. Monahan to provide Board members with the rate policy. The Board, with the help of staff, should review existing Aquatics policies and determine its role in reviewing policies and setting policy direction.
- Emails – Following Mr. Palmer's advice to either (1) *everyone* use @juneau.org OR (2) *everyone* use their personal email, the group decided to use @juneau.org. Mr. Monahan will get that set up so it can be explained how to use it at the August Board meeting.

L. Adjournment: the meeting was adjourned at 5:38pm.

M. Next Board Meeting: Tuesday, August 27, 2019, at 4:30pm. Location TBA

Meeting Follow-ups:

Next Board meeting:	Elect Officers; Decide on preparation of minutes; Set Board meeting dates, times, and locations for the future; Setup @juneau.org email addresses for Board members; Review/Update Calendar of Todos.
Mr. Monahan	Send Rate/Fee Policy to Board members

**Aquatics Board
Annual Calendar of To Dos**

July	Orientation for any New Board Members Elect Officers Q4 Financial Report with Highlights Review Staff's Annual Work Plan/ Goals
August	
September	Board Strategic Planning and Goals for Year Form Committees Review/revise Annual Calendar of To Dos
October	Review/revise Fee Policy Review Draft Fee Schedule Q1 Financial Report with Highlights Review CIP status for next year
November	Review/approve CIP request Update on deferred maintenance projects
December	Update on Progress of Staff's Annual Work Plan/Goals Review schedule for approving the Budget Approve Fee Schedule
January	Q2 Financial Report with Highlights Review draft Budget Request
February	Approve Budget Request (may require change of meeting date, or a 2 nd meeting, depending on the schedule worked out in December and/or adjusted in January)
March	Review Maintenance plan for Annual Pool Closures
April	Q3 Financial Report with Highlights Advocate for Aquatics Budget Develop Draft Annual Report for Assembly per Ordinance (includes public usage, financial trends, maintenance and capital needs and efficiency of program operations)
May	Finalize Annual Report for Assembly
June	Submit Annual Report to Assembly Aquatics Manager Performance Evaluation input Board Self Evaluation

**Aquatics Board
Suggested Committee Structure developed by the Board
December 30, 2018**

Once the new Ordinance is approved and the Board's charge is defined therein, and especially if the Board is expanded, it may make sense to switch from one monthly Operations Committee meeting (essentially a Committee of the Whole) to having some standing Committees. Committees would be a good way to use the energies and resources of Board members in areas where they have expertise or interests.

The Board should define its role under the new Ordinance, develop an annual workplan geared to its decision-making schedule, and focus its work on the policy level while avoiding operational details. The Board determined that this work should be done once the expanded Board is appointed and the Ordinance has become effective.

Standing Committees need a clear charge and would meet as often as needed - not necessarily monthly.

Committees discussed with possible focal points were:

- Finance: develop the budget and review detailed financial reports on a regular basis. Provide summaries to the full Board.
- Facilities: track capital improvement projects, and review assessments of capital needs and goals.
- HR/Development: conduct an annual performance evaluation protocol for the Aquatics Manager and institutionalize the process. Also maintain a skills inventory of Board members and identify attributes to seek in replacement members as turnover occurs.
- Marketing/Program: Track pool utilization and evaluate programming and marketing goals and achievements.

Some caveats:

- Committees need a defined charge (purpose) and a schedule
- The Board must trust the work of its Committees, and not repeat its work
- Effective Committee leadership is important
- The power of Committees is in their imagination
- Committees must maintain a policy focus and not sink into weedy details
- Committees must comply with the Open Meetings Act

Aquatics Board Brief History

July 23, 2019

Since at least 1998, swimmers have worked to gain a voice in the management of Aquatics. For two decades, there was frequent conflict between the swimming community and Parks and Recreation management. Issues included:

- Participation by Glacier Swim Club
- Participation by High School swim teams
- Pool programming priorities
- Failure to spend budgeted funds on aquatics
- Design and development of the new pool at Dimond Park

Below is a chronology of key events.

1973, February	Augustus Brown Pool opens
1998-onward	Swimmers talk about the need for a Board to represent their interests
2007, October	Voters approve issuing general obligation bonds to construct Dimond Park Aquatics Facility. (55% - 45%)
2007, October	Assembly establishes Dimond Park Pool Task Force
2010, Spring	Swimmers request Assembly to appoint an Empowered Aquatics Board
2010, June	Assembly establishes Aquatics Facility Advisory Board
2011, June	Dimond Park Aquatic Facility opens
2014, April	Former City Manager proposes closing Augustus Brown Pool
2014, Spring/Summer	Swimmers petition Assembly for charter amendment hoping to establish an Empowered Aquatics Board similar to Eaglecrest
2014, July	Assembly authorizes charter amendment to permit the establishment of an Aquatics Board
2014, October	Voters approve charter amendment for Aquatics Board (60% - 40%)
2015, April	Assembly passes Ordinance for a Semi-Empowered Aquatics Board to sunset on May 28, 2018
2015, June	Semi-Empowered Aquatics Board is appointed by the Assembly
2016, Summer	Board and swimmers advocate for Augustus Brown as priority in CIP
2016, October	Voters approve \$5 million from Sales Tax for renovation of Augustus Brown
2018, April	Assembly extends the Aquatics Board sunset to May 28, 2019
2019, January	Following discussions between Board and City Manager, Assembly amends Ordinance to expand Board and increase its powers, with no sunset
2019, July	Assembly appoints members to expanded Aquatics Board

Aquatics Board

CBJ LAW DEPARTMENT



Topics

- Governing Authority
- Public Records Act
- Open Meetings Act
- Conflict of Interest



Board Power

- Charter is local “constitution”
- Aquatics Board (3.23 of Charter)
- Appointments CBJ Code 67.10.010
 - 9 members
 - One member from JSD.
 - One member from local aquatic organization that rents a pool facility.
 - No more than two members shall be a member or employee of local aquatic organization, or immediate family member of any member or employee of local aquatics organization.



Board Duties – CBJ Title 67.10

- Responsible for policy decisions and generally direct operations and maintenance of municipal aquatic facilities.
- Prescribe terms under which persons and groups may use facilities and enforce standards of operation.
- Adopt regulations necessary for administration of aquatic facilities.
- Annually report to Assembly review of aquatics program.
- Participate in selection of aquatics manager and annually evaluate the manager’s performance.



Board Bylaws

- ❖ General Meeting requires 5 days notice
- ❖ Special meetings may be called by the Chair or any three(3) Members.
- ❖ First general meeting after July 1 each year shall be the annual meeting to elect officers.
- ❖ Discussion and voting procedures guided by Roberts Rule of Order for Small Boards.



Board Meetings

- CBJ Code 67.10.050
- At least 1 Regular meeting per month
- AS 29.20.020/AS 44.62.310 Open Meetings Act (OMA)
 - Minimum of 24 hours notice of meetings
 - All meetings are open to public
 - Limited executive sessions are allowed for deliberation
 - Public reasonable opportunity to be heard



OMA: What *is* a Meeting?

- ❖ Decision-making or Policy-making board
 - (a) When more than 3 members or a majority, whichever is less, are present and (b) consider a topic that the board is empowered to act upon.
- ❖ Advisory-only board (i.e. subcommittee)
 - (a) a prearranged gathering of board members (b) for the purpose of considering a topic that the body is empowered to act upon



OMA: Executive Session Substance

- ❖ Closed-door deliberation permissible for
 - Immediate knowledge of which would adversely affect CBJ finances
 - Defame or prejudice a person (i.e. evaluations)
 - Litigation, appeals, etc.



OMA: Executive Session Process

- Notice of topic in agenda
- Motion to move into executive session
- (If personnel matter, subject person veto right)
- Deliberate in executive session; no action
- Return to public meeting to take action



OMA: Best Practices

- ❖ OMA purpose is to ensure deliberations of a board are done in public.
- ❖ Minimize private Board-member discussions.
- ❖ “Serial” meetings: Avoid using “reply all” in email.
- ❖ Reasonable notice of meeting.
 - *24 hrs. min., more notice for complex issues*
- ❖ Make sure agendas include location and time.
- ❖ Agenda and Board packets are public records
- ❖ Cure by completely redoing illegal action.



Public Records Act

- **A.S. 40.25.110, Charter 15.7, CBJ Code 01.70**
- Two big rules:
 - 1) Every person has the right to inspect public record unless an exception applies.
 - 2) Strong presumption in favor of disclosure
- Applies to email, texts, documents, even if on your personal devices
- Best Practice: keep work at work, keep work on work devices, and don't use text messages for substance



Conflicts of Interest

You are a municipal officer

You are prohibited from using your position to:

- ❖ Gain a benefit
- ❖ Secure employment or contracts
- ❖ Take or withhold action if you have personal or financial interest
- ❖ Use CBJ time or equipment for personal or financial interest
- ❖ Vote or deliberate if you have a personal or financial interest



Conflicts of Interest

- Concepts: Impartiality and Transparency
- Required: A.S. 29.20.010, CBJ Charter 15.1 and CBJ 01.45.
- CBJ 01.45 prescribes standards and penalties
 - ❖ Financial and personal conflicts
 - ❖ Gifts
 - ❖ Improper disclosure of information
 - ❖ Improper influence in CBJ grants, contracts, leases, or loans
 - ❖ Aiding another in a violation
 - ❖ Violations can be class B misdemeanors
 - ❖ Complaint and investigatory process



Conflicts of Interest

- ❖ Financial conflict of interest
 - Any interest held by the municipal officer or an immediate family member from which the person has received w/in 3yrs or expects to receive compensation (business, property, relationship)
- ❖ Personal conflict of interest
 - Not a financial interest but includes any material exchange of promise, service, privilege, exemption, patronage, or advancement



Conflict of Interest: Examples

- ❖ Member calls Staff to inquire about something a constituent raised or to seek knowledge. ●
- ❖ Business gives Member free annual pass, while Board is negotiating contract with business. ⚡
- ❖ Board deliberates on maintenance contract to business in which Member owns 25% of. Board member A deliberates. ⚡



Conflict of Interest: Best Practice

- ❖ Declare conflict of interest at meeting: abstain from any discussion and abstain from voting on the issue.
- ❖ If in doubt, contact your attorney (CBJ Law)
 - **Shield:** If you act consistent with attorney advice, then you are immune from personal liability
- ❖ Close calls, disclose in meeting
- ❖ Public Trust = Transparency



Resources

❖ **Aquatics Manager**

Kollin Monahan (586-0472/0839)

❖ **City Clerk**

Beth or Di (586-5278)

❖ **Attorney**

❖ Jane Mores (586-0273)

❖ Rob Palmer (586-0909)

