

Department of Parks and Recreation

Seattle Board of Park Commissioners
Meeting Minutes
January 14, 2010

Web site: <http://www.seattle.gov/parks/parkboard/>
(Includes agendas and minutes from 2001-present)

Also, view Seattle Channel tapes of meetings, June 12, 2008-most current, at
<http://www.seattlechannel.org/videos/watchVideos.asp?program=Parks>

Board of Park Commissioners:

Present:

Neal Adams, Vice-chair
John Barber
Terry Holme
Jourdan Keith
Diana Kincaid
Donna Kostka
Jackie Ramels, Chair

Seattle Parks and Recreation Staff:

Tim Gallagher, Superintendent
Christopher Williams, Deputy Superintendent
Sandy Brooks, Coordinator

Commissioner Ramels called the meeting to order at 6:30 pm and reviewed the meeting agenda topics.

Commissioner Holme moved approval of the agenda as presented, the October 22 and December 9, 2009, minutes, as corrected, and the record of correspondence received by the Board since its December 9 meeting. Commissioner Adams seconded the motion. The vote was taken, with all in favor. Motion carried.

Oral Requests and Communication from the Audience

The Chair explained that this portion of the agenda is reserved for topics that have not had, or are not scheduled for, a public hearing. Speakers are limited to two minutes each and will be timed, and are asked to stand at the podium to speak. The Board's usual process is for 10 minutes of testimony to be heard at this time, with additional testimony heard after the regular agenda and just before Board of Park Commissioner's business. No one testified.

Superintendent's Report

Superintendent Gallagher reported on the following items. To learn more about Seattle Parks, see the website at <http://www.seattle.gov/parks/>.

Commissioner Term: Commissioner Barber's term expired on December 31, 2009. This position is appointed and confirmed by City Council. Councilmember Bagshaw, City Councils' new Parks and Seattle Center Chair, will lead the process to appoint/re-appoint and has this on a fast track. She will accept applications through the end of January and hopes to bring the successful candidate's name to the February 18 PASC meeting, with confirmation hearing scheduled at the February 22 full Council meeting. Until that process is complete, Superintendent Gallagher has asked Mr. Barber to continue his role with the Board as a non-voting member.

Responding to a question from Commissioner Adams on whether Mr. Barber will be interviewed, the Superintendent responded that Councilmember Bagshaw's office is handling the interview process.

Furlough Plan: Parks and Recreation has carefully crafted its 2010 furlough plan to have the smallest impact on the public who use the facilities and to keep support functions running to the extent possible:

- Child care and late night programs will continue uninterrupted.
- Grounds maintenance staff to take furloughs on Fridays and to work on Mondays, when the parks need more attention after weekend use.
- Special Populations programs staff will take furlough time off in a way that allows programs to continue.
- Community Learning Centers staff, funded by the Families and Education Levy and situated Seattle public schools, will take furloughs on the same dates schools are closed for various reasons.
- The Seattle Aquarium will assign furloughs individually to ensure that 24-hour animal care responsibilities are met and that it stays open to the public on its regular schedule.
- During administrative and support staff furloughs buildings will be completely closed to achieve energy savings. Some staff will not furlough on Tuesday, January 19, and will work at home.

Update on Parks and Green Spaces Levy: Before the levy was a year old, Parks had completed seven of 53 named projects: Atlantic Street Playground, Bayview Playground, Bhy Kracke Playground, Brighton Playfield Playground, Chinook Beach Park Renovation, the Lower Woodland Playfields, and the Multi-Use Trail Project at Magnuson Park. Twenty-four more are in the planning or design phases. The Department's public processes have been very successful and park neighbors and users have played a major role in shaping each project. For more information on the Levy, see <http://www.seattle.gov/parks/levy/default.htm>.

The second public meeting on the Bell Street project, one of the Parks and Greenspaces Levy projects, was held January 12, with 130 people present, including Commissioners Adams and Kincaid. The project is receiving enthusiastic feedback. For more on the Bell Street project, see http://www.seattle.gov/parks/projects/bell_street/boulevard_park.htm

Parks and Green Spaces Levy Opportunity Fund: The Levy Oversight Committee has launched the first round of levy funding for community-initiated projects. Four public workshops have been held around the city, and Parks' staff anticipates receiving applications for funding for some very worthy projects. Proposal letters are due February 1, staff will provide technical assistance to flesh out ideas, and formal applications will be due on April 2. The Oversight Committee will hold a public hearing, and will work from May through September to prioritize the projects based on these criteria which they developed:

- Project must be on property accessible to the general public.
- Project should be of a sufficient size and nature to produce tangible benefits
- For development projects, the project award range is \$200,000 up to \$750,000. For acquisition projects, the project award is up to \$1,500,000 and should be at least 10,000 sq. ft. in size.
- Project has undergone a public review process or is consistent with an approved plan (neighborhood, watershed, vegetation management, or master).
- Project should not result in significantly higher operation and maintenance costs for the City.
- Project should demonstrate a high degree of neighborhood involvement and support, or demonstrated need.

For more information on the Opportunity Fund, see <http://www.seattle.gov/parks/levy/opportunity.htm>.

Seattle Aquarium: 2009 Seattle Aquarium attendance was 836,720 – a new annual record. In December, the City Council approval an agreement that will allow the Aquarium to move forward with plans to make the transition to management by the Seattle Aquarium Society. For more information on the Aquarium, see <http://www.seattleaquarium.org/NetCommunity/Page.aspx?pid=183>.

Volunteer Park Encroachments: Parks' Property Management staff are moving forward with the owners of properties that abut Volunteer Park, along Federal Ave. E, and today mailed letters to 13 owners regarding

structures and other encroachments on park property. Parks survey staff alerted the Property Management unit about these encroachments that include a 90' by 18' fenced area, an elevated play structure with a zipline, a deck, gazebo, and spa, as well as other fences and extensions of private yards. The owners have 30 days to take care of the encroachments. One option for the property owners who have encroached onto public land is to apply for a three-year use permit, which would cost the owners annually from \$700-29,000 each. Seven of the 13 encroachments would require a \$10,000 per year use permit.

Paul G. Allen Family Foundation Grant: Parks has received a \$50,000 grant from the Paul G. Allen Family Foundation to enter a partnership with IslandWood, the Bainbridge Island outdoor learning center, The grant will fund a shared program, Stewardship Stories, that will expand on the work both IslandWood and Parks are doing to create and spread among our youth messages about stewardship, sustainability, and feeling at ease with nature. Stewardship Stories will involve 40 inner-city students who will learn the positive impacts of ongoing stewardship activities and real world skills as they create messages for print, web, and video to communicate with the broader public. The program begins now and takes place through the 2010-2011 school year and the summer of 2011. For more information on IslandWood, see <http://islandwood.org/>.

Responding to a question from Commissioner Keith on how the students will be selected, Superintendent Gallagher responded they will most likely be from the Youth Violence Prevention Program.

Public Meetings in the Community: Parks has held eight public "listening" meetings out in the community. The purpose is to give the community an opportunity to talk with the Superintendent and other Parks staff and meet various members of the Board of Park commissioners. Neighbors meet the staff that serve the community, talk with staff about what is working and what can be improved, and give the Superintendent ideas for building community relationships and Parks programs and services that respond best to the needs of residents.

There will be eight more in 2010 at the Lake City Community Center, Delridge Community Center, Rainier Community Center, Mt. Baker Community Club, Hiawatha Community Center, Montlake Community Center, Bitter Lake Community Center, and Green Lake Community Center and Pool.

Magnuson Legislative Update: Parks has three ordinances regarding Magnuson Park reviewed at the February 4 City Council Parks Committee meeting. All of the items are relatively minor amendments to existing contracts. Superintendent Gallagher listed the three ordinances and gave additional information on each:

1. Arena Sports – Bldg. 27: Extends lease term from 20 to 40 years to qualify property for historic tax credits
2. Mountaineers – Bldg. 67: Extends lease term from 30 to 50 years to offset capital costs and accepts climbing wall donation
3. Tennis Center – Bldg. 41: Allows the demolition of the building. The original lease anticipated redevelopment, not demolition.

Mr. Barber asked what affect the historic designation has for Magnuson Park. Superintendent Gallagher responded that there isn't an official designation yet. When it is official, it will create more process and give some benefits, such as tax credits. For more information on Magnuson Park, see <http://www.seattle.gov/parks/Magnuson/>.

Joint Use Agreement with Seattle Public Schools: Since the 1920s, the Seattle Public School District (the District) and the City of Seattle Department of Parks and Recreation (Parks) have been pooling their resources to meet continuous youth and community requests for more recreation and enrichment opportunities. Since 1995, a Joint Use Agreement between the District and Parks has been renewed every five years. The existing agreement expires on August 31, 2010. Parks is currently negotiating the renewal of the agreement for 2010-2015.

The purpose of the agreement is to:

- Effectively and efficiently manage use of District and Parks’ facilities and grounds for the benefit of the community, as both serve the same taxpayers.
- Encourage joint use of facilities, such as gymnasiums, athletic field, swimming pools and performing arts facilities, and to give priority usage after the owner agency’s programming and community obligations are met.
- Establish procedures to encourage cooperative working relationships and scheduling between District and Parks staff at all levels and to quickly resolve issues.
- Equitably distribute the time and cost of the use of facilities and grounds.

Timeline

To date:	Working Groups have been formed and are meeting to resolve issues in following areas: Pools, Performing Arts Facilities, Fields, Existing Facilities, Cost and Use of Facilities, Performance Measures, Scheduling and Prioritizing, Communications and Meetings/Dispute Resolution.
January 19, 2010	Working groups will report back to project leads from District and Parks
Jan—Feb:	Project leads begin to rewrite documents; negotiate unresolved issues from working groups
March 11:	Briefing to Board of Park Commissioners
March—April:	Briefings to City Council and School Board
April—May:	Renewed agreements signed by District and Parks Superintendents

Commissioner Holme asked if the Board will hold a public hearing. The Superintendent stated that it will be a briefing only, as this is renewal of an existing contract, with changes.

Park Board 2010 Focus: Over the past two years, the Department has brought a number of policies to the Park Board for its review and input. This review will wrap up by mid-year.

The Superintendent stated that the park and community center levies have been very successful in bringing new parks and facilities to the Department. However, there was no maintenance and operations funding included in the levies and the Department’s budget has had several cuts. As the year goes on, the Board will be asked to help the Department look at its various lines of business and determine which of these lines the Department should get out of: Some examples he gave include the Natural Resources Unit, Park Rangers, Downtown City Center program, and closing some or all of the 25 community centers. A series of public meetings will be held to help with these decisions. Superintendent Gallagher and Deputy Superintendent Williams are meeting with City Councilmembers to discuss the budget. The Park Board will not be asked to determine where budget money is spent, but rather to help the Department determine which programs to continue funding.

Strategic Action Plan Summary: Superintendent Gallagher distributed a copy of the Department’s Strategic Action Plan Summary and also gave one to Councilmember Bagshaw at a recent meeting. Commissioners were asked to send any questions to the Superintendent. For more information on the Strategic Action Plan, see <http://www.seattle.gov/parks/Publications/ParksActionPlan.htm>.

Briefing: Seattle Trust for Public Lands

Superintendent Gallagher introduced Peter Harnik, Director of the Trust for Public Land’s (TPL) Center for City Park Excellence, and his colleague, Ben Welle. Mr. Harnik and Mr. Welle have done extensive research on urban parks. Seattle Parks Foundation and Seattle Parks have contracted with Trust for Public Land for a study of Seattle’s parks. Today is the kickoff of that study.

Prior to this meeting, Commissioners received a written briefing on the study, which was also posted to the Board’s web page. Prior to this meeting, a reception was held, with 30-40 people present.

Written Briefing

Requested Board Action

This briefing is provided for information only and no action is being requested. Peter Harnik, Director of the Trust for Public Land's (TPL) Center for City Park Excellence, will be making a presentation to the Board describing work he will be doing in Seattle assessing the value of parks and recreation facilities.

Project Description and Background

The role parks and recreation facilities play in the life of a community is many and varied. Peter Harnik has developed a framework for analyzing and describing the value of urban parks and recreation systems. Mr. Harnik will be applying his framework to Seattle Parks and Recreation. He is collecting and publishing data from selected major cities such as San Diego, Philadelphia, and Boston and will add information from Seattle to this landmark study.

By better understanding the multiple facets of park and recreation's value to our community, we will be better equipped to manage our facilities and resources. The value derived by Seattle residents and the City will be calculated through seven broad categories: air pollution mitigation, water runoff mitigation, property value, direct use value, health value, tourism value and community cohesion (social capital) value. For an example of a completed study, you can download the Philadelphia Executive Summary at www.tpl.org.

We will be hosting a reception for Mr. Harnik and his colleague Ben Welle beginning at 5:30 p.m. on Thursday, January 14, 2010. The presentation will begin at 6:30 p.m.

Public Involvement Process

No formal public involvement process is anticipated. The results of the study will be reported and distributed at the conclusion of the study.

Schedule

Study Kick-off: January 2010.

Data collection and analysis: January – September 2010.

Final Report: October 2010.

Additional Information

Eric Friedli, 684-8369, eric.friedli@seattle.gov

Verbal Briefing & Discussion

Mr. Harnik stated that he is pleased to be in Seattle, as it is looked at as a national model. This study will take a snapshot look at the economic benefit that parks bring to both the city and its people. Earlier today, he and Mr. Welle met with senior Parks staff to review the study. He next reviewed the seven measures, with two of these being environmental measures and two people measures.

1. Environmental value through cleaner air.
2. Environmental value through cleaner water. Park land slows water runoff and reduces gray water. The study will measure where parks are in relation to paved areas, and will look at the types of rain, soil and whether it is pervious or impervious, and vegetation.
3. Resident value through direct use. The study will determine if there were no parks and recreation facilities, what it would cost to get the same services they provide from private enterprise and will measure both the economic and health benefit. 600 people will be telephone surveyed for this information.
4. Resident value through improved health. The same telephone survey will ask the respondents' age, how they use the park, and the frequency. 150 minutes of exercise per week is calculated at \$250 in health savings for those under 65 and \$500 in savings for those over 65.
5. Tourism. Those who travel from longer distances brings in dollars to the local economy, but locals who use the parks also contribute. Mr. Harnik referred to the Christo art exhibit, *The Gates*, which drew 2.8

million visitors to New York's Central Park in 2005. On average, maybe 5-10% of tourists come to visit parks.

6. Property value. Includes view and good air. TPL staff will measure out 500' from border of path and determine what additional tax revenue this value brings to the City and the increase in the house value to the private owner.
7. Overall city value appreciated through gain in social capital. The measure for this will be determined by both monetary contributions to Seattle Parks Foundation and the various Friends of parks organizations, as well as the time that residents contribute to their parks.

TPL is fascinated with how various cities compare to each other. Mr. Harnik noted that this study will not result in a list of recommendations for Seattle's parks; instead it is a snapshot in time of the value of the parks. Mr. Welle will do the primary research and will work with both Parks staff and non-Parks Department people.

Questions and Answers

Note: The Board's normal procedures are for the audience to speak during Oral Communications or Public Hearings only. However, the Chair made an exception and allowed audience members who attended the reception to ask several questions as follows:

- Responding to a question about measure #1, Mr. Harnik answered that it calculates the number of tons of pollutants being pulled from the air.
- Audience noted that all those who surveyed might not be aware that boulevards are part of the park system. Mr. Harnik noted this and will include this info in the survey.
- Responding to a question on how other cities have used their studies, Mr. Harnik responded that some used it for internal analysis, while others used it to garner funding.
- Audience responded that it is incredible that the City will get this study done for half the cost of a Hummer vehicle!
- Audience asked how parks' benefit on mental health will be captured. Mr. Harnik responded that this study cannot measure that value, as economists don't yet have a way to calculate it.
- Audience suggested that during the phone survey, the question about impacts to mental health could be included even if it isn't measurable.
- Audience referred to 1945-95 major bond issues and the City's growth in parks. Mr. Harnik again noted that this study is for a snapshot in time of Seattle's parks and cannot measure historical aspects of parks.

Currently, economists can determine economic gains to compute dollar values; however, this excludes measuring some other positive aspects of parks, such as the benefit to mental health. He noted that no one study can do everything and that many aspects of parks shouldn't be run through the monetary grinders. This study is one way to show non-believers the actual value of parks.

Park Board Questions

Commissioner Adams:

Commissioner Adams noted that Seattle has over 600 parks and was curious how TPL determines the amount of trees and shrubs in all those locations. Mr. Harnik responded that the City of Seattle had recent photos made during flyovers and now has extensive documentation and precise counts of tree/shrub-covered areas. The documentation is so precise that evergreen foliage can be distinguished from deciduous. The photos also show impervious and pervious areas. He noted that the study will not include the small triangles and parcels of land that make up some parks.

Mr. Barber:

Mr. Barber commented that \$45,000 for this study looks like a bargain to him, especially when one considers that some of the information gleaned by the study is "actionable", helpful in making management decisions about setting priorities. He asked what the next step Mr. Harnik would recommend, once the study results are known. Mr. Harnik answered that it depends on Seattle Parks.

Commissioner Holme:

He stated that half of Seattleites live in rentals and wondered if the study would consider if a rental property's proximity to a park increases its rental rate. Mr. Harnik responded that there isn't a way to capture rental costs and the study will use the appraised values of the buildings.

Commissioner Holme commented that it is an added value to compare city to city in the study; however, he believes the most effective system is to use the same formula for each city that is studied, rather than a custom formula for each city. This would result in a good way to compare Seattle to other cities, which would be an added value of the study. Mr. Harnik agreed and stated that the comparison could be made and be available to Seattle.

Commissioner Keith:

Commissioner Keith referred to a program developed by Frances Cuo in Chicago on whether proximity to living near a park reduces domestic violence. [For more information, see <http://www.sciencedaily.com/releases/2009/02/090217092758.htm>.] Commissioner Keith and asked if the usefulness of parks as way to reduce domestic violence would be useful for the TPL study. The Center for Disease Control is doing follow up to her research. Commissioner Keith wondered if that focus could be created with this study. Mr. Harnik will discuss this further with Commissioner Keith.

Commissioner Kincaid:

Commissioner Kincaid is excited to learn the results of this study. She asked if the study will measure walking in parks as a health benefit. Mr. Harnik responded that this study will look at cardiovascular use of parks and facilities and will not include walking. Commissioner Kincaid responded that walking has been proven to help control diabetes. Mr. Harnik stated that including walking could be a future consideration.

Commissioner Kostka:

Responding to a question from Commissioner Kostka on how the study is being paid for, Mr. Harnik responded that the cost is being shared equally by Seattle Parks Foundation and Seattle Parks Department. The \$45,000 includes the cost of printing the report. Commissioner Kostka asked that Mr. Harnik send references for the Board's review and Mr. Harnik agreed to do so.

Commissioner Ramels:

Commissioner Ramels asked what other cities TPL has studied the park system. Mr. Harnik responded that TPL has completed this study in Philadelphia, San Diego, Sacramento, and Wilmington. They are currently studying Denver and Charlotte. Commissioner Ramels asked why the survey includes only 600 people. Mr. Harnik gave the reasoning for this as being the amount that results in a 3% or less error rate. Commissioner Ramels believes value #7 is difficult to determine, as she believes that having the time to volunteer equates with wealth. Mr. Harnik responded that the number of volunteer hours carries more weight than the amount of dollars donated.

Commissioners thanked Mr. Harnik for the presentation and look forward to hearing the results of the study this fall.

Discussion/Recommendation: Partnership Development Policy

At its August 13 meeting, Charles Ng, Seattle Parks Grants and Concessions Manager, presented a briefing on this new policy. To read the minutes from that meeting, including the briefing paper and the Board's discussion, see <http://www.seattle.gov/parks/ParkBoard/minutes/2009/08-13-09.pdf>. At its November 5 meeting, Mr. Ng and Rebecca Salinas, Seattle Parks Partnerships Manager, presented an update briefing, which was immediately followed by a public hearing. To read the minutes from that meeting, including the revised policy, see <http://www.seattle.gov/parks/ParkBoard/minutes/2009/11-05-09.pdf>. At its December 9 meeting, Commissioners continued their discussion of the policy and made several recommendations. To read the minutes of that meeting, see <http://www.seattle.gov/parks/ParkBoard/minutes/2009/12-09-09.pdf>. Parks' staff

were asked to prepare a new version and bring to the Board for additional consideration at this meeting. Tonight Commissioners are asked to discuss the draft policy and vote on a recommendation to the Superintendent. Prior to this meeting, Commissioners received a revised version of the draft policy, included in these minutes below, with most recent changes shown in bold and italicized font.

Written Briefing

Department Policy & Procedure



Subject: Partnership Development		Number 060-P X-XX-10
		Effective January 1, 2010
		Supersedes
Approved:	Department: Parks & Recreation	Page 1 of 8

1. PURPOSE
 - 1.1. The purpose of this Partnership Development Policy is to outline for staff and the public, principles and procedures to be followed as Seattle Parks and Recreation considers partnership opportunities with public and private entities to deliver and/or support department programs and services. This policy provides a framework for expanding opportunities for interested parties to engage in partnerships with Seattle Parks and Recreation that may not only involve monetary consideration but also an exchange of services that meet the Department’s mission and result in clear public benefits.
2. ORGANIZATIONS/INDIVIDUALS AFFECTED
 - 2.1. Department of Parks and Recreation
 - 2.2. Board of Park Commissioners
 - 2.3. Department Advisory Councils/Associated Recreation Council
 - 2.4. Park Neighbors
 - 2.5. Current DPR Concessionaires and contracting parties
 - 2.6. Potential public and private sector partners
 - 2.7. Park Users
3. POLICY
 - 3.1. Seattle Parks and Recreation recognizes that developing mutually beneficial partnerships with individuals, nonprofit organizations, private entities, public agencies, and community groups is a viable and appropriate way to increase the variety and quality of parks and recreation programs available to the citizens of Seattle, as well as, make physical improvements to parks and facilities. Seattle Parks and Recreation will consider partnership ideas and proposals as they are brought forward and will actively pursue partnerships as deemed appropriate. It is important to evaluate these partnerships on an ongoing basis to assess effectiveness in supporting the department’s core mission, achievement of desired outcomes and provision of public benefits. Although, it is a key responsibility of the Partnerships and Business Resources Unit to develop and manage new partnerships, all department staff will take the initiative in seeking new potential partnerships.
 - 3.2. The following principles will help determine whether or not to consider a particular partnership:
 - 3.2.1. The proposed partnership is lawful and is consistent with the Seattle Parks and Recreation’s overall vision, mission, and values.
 - 3.2.2. The proposed partnership will help the department carry out the Strategic Action Plan, most importantly, in the area of partnership development noted in Goal 6 (A) of the plan.
 - 3.2.3. There will be no private use of public land exclusively for personal gain.
 - 3.2.4. Any partnership must include some level of clear, measurable, and significant public benefit that adds value to the park experience and opportunities to recreate.

- 3.2.5. The proposed activity should not displace existing Parks, Associated Recreation Council (ARC), or other partner programs, unless pursuing the proposed partnership allows Parks to reallocate current resources to new programs and services, provide more benefit to the public, or increase efficiency of utilization of Parks resources.
- 3.2.6. **If the proposed activity is going to be at a Department facility and the activity is similar to a program that ARC has already established at this facility, then Department staff will involve ARC staff in reviewing this proposed activity and decide if it provides an added value. If not, then it will be denied.**
- 3.2.7. Focused encouragement and support ought to be given to partnerships with non-traditional partners that will help engage populations that are underutilizing Department facilities, programs, and services. The proposed activity should not adversely impact and/or restrict public access to parks, facilities, or programs.
- 3.2.8. The proposed activity should not adversely impact Parks' facilities or parkland, including wildlife habitats.
- 3.2.9. The proposed activity and partnership agreement meets all city, state, and federal rules and regulations. All private, for-profit entities must secure a valid City Business license, purchasing adequate insurance that names the City of Seattle additionally insured.
- 3.2.10. The proposed partnership is in compliance with the Department's approved policies and guidelines.
- 3.3. Seattle Parks and Recreation shall take appropriate action(s) to recognize those partnerships that have resulted in significant benefits to the department and/or the public.

3.4 Current partners with active operating and management agreements, such as the Seattle Arboretum Foundation, the Seattle Parks Foundation, ARC, Center for Wooden Boats, and MOHAI and SAAM are not subject to this policy, as long as their agreements are active, since their agreements with the department already allow them to provide services and programs.

- 3.5 Partnership proposals which are not initially approved can be renegotiated and submitted to department staff for reconsideration. If staff and a potential partner cannot reach agreement, the proposed partnership proposal will be reviewed by the appropriate Division Director, in consultation with the Partnerships Manager. If necessary, the Superintendent will make the final decision whether or not to accept the partnership proposal.

4. DEFINITIONS

- 4.1. Partnership(s) – as defined in the department's Strategic Action Plan, is a working relationship with another organization that has compatible values and goals and which results in mutual benefits. The partnership may be formed around a single activity or event or it may be long-term and multi-faceted.
- 4.2. Partner - an individual, organization, or a group that, through a written agreement, provides a benefit to Seattle Parks and Recreation or Seattle's citizens and in exchange gets some benefit from Seattle Parks and Recreation. These may include for profit or non-profit agencies and individuals noted below:
 - 4.1.1 Individuals who can provide services, money, or time.
 - 4.1.2 Businesses or corporations who provide money, time, people, and other goods or services.
 - 4.1.3 Social service or community partners people or services.
 - 4.1.4 Non-profit partnership similar to social service or community partners.
 - 4.1.5 Volunteer/neighborhood partnerships—park sponsored volunteer opportunities and "Friends of" groups who provide volunteer time, money, and other resources.
- 4.3. Partnership Agreement – a written agreement **with a Partner that has compatible values, goals, and which results in mutual benefits** and is legally binding.
- 4.4. Public Benefit – an activity or service that accomplishes a public purpose promoting the needs, interests, social, economic and cultural well-being, and health and safety of a community.
- 4.5. Partnerships and Business Resources Unit-DPR staff that is responsible for overseeing and coordinating partnership development and contracts for the department.
- 4.6. Concession Contract- A concession contract is a long term contract approved by the Seattle City Council by which an authorized park related revenue-producing service, facility or product is provided to the public in, on, Parks and Recreation Department property by a private individual or company who remits to the Department a remuneration for the privilege of using public property for private gain.

5. RESPONSIBILITY

- 5.1. Partnerships and Business Resources Unit will be available, as needed, to help department staff review and assess desirability of potential partnerships, and to assist in developing partnership agreements.
- 5.2. Seattle Parks and Recreation staff shall submit those potential partnership opportunities that exceed the delegated authority of divisions for entering into contracts and agreements, to the Partnerships Manager for review and approval, prior to implementation.
- 5.3. Seattle Board of Park Commissioners and Seattle City Council will review proposed Partnerships that result in **Concession Agreements expected to last over one year.**
- 5.4. City Attorney reviews templates for recurring contractual partnerships or unique language for non-recurring contractual partnerships.

6.0 PROCEDURE

- 6.1 Parks staff, when considering entering into partnership agreements shall:
 - 6.1.1 Review and complete the attached “Partnership Criteria and Assessment Checklist” and submit it to their immediate supervisor.
 - 6.1.2 Review Policies 060-P3.9.1 and 3.9.1.1 and follow them as appropriate.
 - 6.1.3 Seek assistance, if needed, from the Partnerships and Business Resources Unit in negotiating and writing the MOA, contract or other type of partnerships agreement.
 - 6.1.4 Staff will consult with the Partnership Manager early in the consideration of a Partnership where there is some degree of exchange of services in lieu of a financial commitment of the parties.

7.0 REFERENCES

- 7.1 Number 060-P 3.9.1 Department Policy & Procedure-- Concession Contracts and Use Permits.
- 7.2 Number 060-P 3.9.1.1 Concession Contracts: Public Participation In Request for Proposal.
- 7.3 Number 060-P 1.5.1 Corporate Sponsorship Policy.

8.0 APPENDICES

- 8.1 Partnership Criteria and Assessment Checklist.

PARTNERSHIP CRITERIA AND ASSESSMENT CHECKLIST

The following are key analytical questions that can assist Department staff in deciding whether or not to pursue a particular partnership, and can help in negotiating a formal partnership agreement. The criteria fall into four categories: 1) how the proposed partnership aligns with established department mission, values and policies; 2) benefits the proposed partnership will provide the department and/or the public; 3) budget considerations; and 4) community relations.

Pre- Implementation Key Analytical Questions

1. Alignment with department mission, values, and policies	Summary response	Go/No
Does the proposed partnership: a. Support the department’s mission and priorities? If yes, how?		
b. Assist the department in achieving the goals of the Strategic Action Plan?		
c. Align with DPR policies? Recommended policies to review: Department Use Management Guidelines (#7-13-01-00 to 7-13-01-12 in the Policy and Procedures Manual); Seattle Department Park Codes SMC 18.10; Public Involvement Policy/Process; Concession Policy; Naming Policy; Donation Policy; Sponsorship Policy; and Park Classification Policy; Fees and Charges Policy d. Align with the Joint Use Agreement with Seattle		

School District?		
2. Benefits to the Department and the Public	Summary Response	Go/
Will the proposed partnership: a. Increase public access to parks, facilities or programs? <ul style="list-style-type: none"> - Lower user fees - Increase operating hours - Add programs/services 		
b. Help meet the needs and interests of underserved and/or diverse populations; add new user groups? <ul style="list-style-type: none"> - increase variety of programs/services - increase capacity that will expand access by diverse user groups 		
c. Improve quality of programs/services? <ul style="list-style-type: none"> - physical improvements or added amenities to facilities, parks, athletic fields, etc. How will these be maintained? - increase safety - enhance quality of current program/services 		
d. Other benefits to the public and/or department?		
3. Budget Considerations	Summary Response	Go/
Does the proposed partnership: a. Provide a financial benefit to the department? <ul style="list-style-type: none"> - bring in additional revenue - potentially reduces department operating, maintenance or capital costs 		
b. Compliment efforts by other department partners, including Seattle Parks Foundation and Associated Recreation Council?		
c. Align with CIP?		
d. Leverage existing resources?		
e. Potentially increase or decrease the department's legal liability?		
4. Community Relations	Summary Response	Go/
Does the proposed partnership: a. Have the potential for controversy? Why or why not?		
b. Have the potential of being perceived as commercialization of parks without offsetting public benefits? Why or why not?		
c. Require a public involvement process? If yes, how and by whom? How will public feedback be collected and measured?		

d. Require a marketing or communications plan? If yes, please describe.		
e. Have the potential for negative impact to the neighboring community (ies)? - Increased traffic, noise, or reduced available parking		
f. Have the potential to adversely impact parkland or result in significant change of use?		
Other Considerations	Summary Response	Go/
Will this proposal require review and approval? a. If partnership agreement results in significant change of use or activity in a park, or significant commitment of resources by the City, it needs review by the Parks Board of Commissioners, and Mayoral and City Council approval. b. law department reviews agreement templates for recurring contractual partnerships or unique language for non-recurring contractual partnerships		

NOTE: If any of the responses to any of the Analytical Questions 1-3 are a resounding "No-go" then the proposal is deemed unacceptable. If the majority of responses to Analytical Question 4 are a "Yes", then the proposal is deemed unacceptable.

Partnership proposals which are not initially approved can be renegotiated and submitted to department staff for reconsideration. If staff and a potential partner cannot reach agreement, the proposed partnership will be reviewed by the appropriate Division Director, in consultation with the Partnerships Manager. If necessary, the Superintendent will make the final decision whether or not to accept the partnership proposal.

Post- Implementation Partnership Assessment Questions

It is important to monitor ongoing partnerships and evaluate their success. Following are some key questions to help with this evaluation.

1. Benefits

Did the Partnership result in expected benefits to the department and/or the public?

- Were the desired goals achieved? Are there positive measurable outcomes? Is there data to support outcome achievement?
- Have overall expectation and goals of dept. staff been satisfied?
- Were the terms and conditions of the partnership agreement between the potential partner/sponsor and parks met and to the satisfaction of both parties?

2. Cost Benefit

- Did this partnership bring in new income to the department?
- Did this partnership achieve revenue and expense reduction expectations?
- Did this partnership result in added short or long term costs to the department?
- Did this partnership result in added or decreased liability to the department?

3. Community Relations

- Was there adequate marketing or public involvement?
- Was there public feedback about the partnership? (i.e., complaint boxes, recreation coordinators' feedback, informal survey, etc.)
- Are the majority of users/ participants satisfied with the partnership program/services, or gave no substantial negative feedback?

4. Renewal: If the outcome of the evaluation of the partnership agreement is positive, the department may renew by issuing a one year extension or begin the process of a long term agreement that would be legislated.

Verbal Briefing/Discussion and Recommendation

Ms. Salinas and Mr. Ng introduced themselves and reviewed the changes made to the policy and the checklist as a result of the December 9 discussion with the Park Board and explained the reasoning for the changes. They thanked Mr. Barber and Commissioner Kostka for the comments they submitted in advance of this discussion.

Commissioner Adams referred to 3.4 of the policy and asked for the meaning of "grandfathered in." Ms. Salinas responded that it means if a new partnership is entered into, the applicant must come back to the Department. Commissioner Kostka asked about the Department's partnership with the Seattle Aquarium and Woodland Park Zoo and Ms. Salinas responded that these are covered in the phrase "such as." Commissioner Holme believes this additional language is a good solution.

Commissioner Kostka asked how the Department knows whether a contract has a high level of performance and what does it do if there isn't. Ms. Salinas responded that performance is part of the contract procedure and a next step is to evaluate a system to measure performance levels.

Commissioner Kincaid asked what happens if the partner has a contract and performs poorly. Mr. Ng responded that the contract will be terminated for default. Commissioner Kincaid asked if the community doesn't favor a contract, does it have the opportunity to weigh in. Ms. Salinas responded there hasn't been a written process for this; however, if complaints are heard from the community or staff, the contract staff will undertake an analysis of the program and issues and sanctions may include contract termination.

Commissioner Holme moved that the Board recommend approval of the version before the Board today. Commissioner Adams seconded. The vote was taken with Commissioners Adams, Holme, Keith, Kincaid, and Kostka in favor. The chair votes only to make or break a tie. Motion carried.

Commissioners complimented Parks staff for their responsiveness to changes and suggestions for this new policy.

Briefing: Code of Conduct

Eric Friedli, Seattle Parks' Policy and Business Specialized Programs Manager, presented a briefing on the Department's draft Code of Conduct policy. Prior to this meeting, Commissioners received a written briefing and draft Code which was posted on the Board's web page and is included in these minutes.

Written Briefing

Requested Board Action

The Board will hear a briefing on January 14, 2010. A public hearing is scheduled for January 28, and the Board discussion and recommendation are scheduled for February 11.

Project Description and Background

Parks and Recreation proposes a new Code of Conduct which will consolidate in one document the majority of behaviors that are prohibited in parks. The Code of Conduct will be an administrative rule prohibiting specified behaviors in parks and at park owned facilities. The Code of Conduct outlines enforcement measures including withdrawing a person's permission to be in a park and issuance of Parks Exclusions. The Code of Conduct provides guidelines for how long a person's permission to be in a park can be withdrawn for and exclusion lengths for engaging in each prohibited behavior.

Each behavior comes from one or more of three sources:

- It is prohibited by the Park Code, (SMC 18.12) or another section of the Seattle Municipal Code;
- It is prohibited by an already-adopted rule under the Superintendent's rulemaking authority; and/or:
- It is a behavior newly identified in this proposed rule as grounds for possible exclusion.

The intent is to bring together in a single document the most common and egregious behaviors that can result in an exclusion order against the violator, consistent with SMC 18.12.278 and 18.12.279. The Code of Conduct will be a useful tool for police officers and park rangers, both to educate park users and to issue exclusion orders. Also, by consolidating these laws and rules, it creates a useful tool for the public and Parks' staff. Most of the behaviors being addressed are in response to challenges noted by park staff. The inclusion of a ban on smoking is in response to input from Public Health: Seattle King County and Seattle City Council members who have expressed their concern about the health impacts of smoking on our youth in particular (Attachment 1).

The Seattle Public Library proposed and adopted a similar code of conduct for its patrons in 2009. http://www.spl.org/default.asp?pageID=about_policies_conduct.

Public Involvement Process

The Park Board will be hosting a public hearing (January 28, 2010) and gathering public comments (through February 10, 2010) on the proposal.

Issues

Newly Prohibited Behaviors. Section 3.2 of the proposed Code of Conduct lists the behaviors expressly being prohibited. Many already are prohibited by existing laws or rules. The behaviors newly prohibited include:

- Conduct that deprives others of their use or enjoyment of a park or facility or disrupts parks business (3.2.2 and 3.2.3)
- Possession of glass containers at athletic fields, beaches and children's playgrounds (3.2.6)
- Improper use of restrooms (3.2.8)
- Smoking (3.2.9)
- Spitting (3.2.11)
- Leaving packages, backpacks, luggage, or other personal items unattended (3.2.12)
- Blocking entrances, exits, walkways, etc. that interferes with provision of services or use of park property (3.2.14)
- Conduct that creates an unreasonable and substantial risk of harm to a person or property (3.2.15)
- Entering restrooms designated for people of the opposite sex (3.2.17)
- Use of flammable liquids (3.2.18)
- Abusive or harassing behavior, including obscene language or gestures; assault or fighting (3.2.22, 3.2.29)
- Possession of fireworks, firecrackers, explosives, acid, or other articles or materials capable of causing serious harm to others (3.2.23, 3.2.24)
- Sexual misconduct (3.2.28)

Penalties/Length of Exclusions. Section 4 of the proposed Code of Conduct describes the enforcement mechanisms for violations of the rules. Section 4.5 specifically provides guidelines for the lengths of exclusions deemed appropriate for each behavior. These are proposed based on current practices and following review of the Seattle Public Library's code of conduct.

Budget

There are no expected budget impacts.

Schedule

A public hearing is scheduled for January 28

Park Board discussion and recommendation are scheduled for February 11

Public Comment period will remain open until February 10, 2010.

Staff Recommendation

Parks and Recreation will request a Board recommendation at the February 11 meeting.

Additional Information

Eric Friedli, 684-8369, eric.friedli@seattle.gov

Attachment 1



Seattle City Council

December 18, 2009

Superintendent Timothy Gallagher
Seattle Department of Parks and Recreation
100 Dexter Ave. N
Seattle, WA 98109

Dear Superintendent Gallagher,

Nearly 442,398 U.S. deaths are attributable to cigarette smoking and tobacco use each year. The Seattle/King County Department of Public Health reports that over 8,000 deaths are attributable to smoking in Washington State with more than 1,000 non-smoker deaths from second-hand smoke.

Smoking is the #1 preventable cause of death in this country and kills more people than alcohol, AIDS, car accidents, illegal drugs, murders, and suicides combined. Almost a third of the regular, daily smokers will die from the effects of tobacco use.

As City Councilmembers, and in our capacity as members of the King County Board of Health, we believe that the City of Seattle should strengthen its work to protect people from tobacco harm and especially to discourage smoking among young people. As providers of direct public services, especially to children, we believe the Department of Parks and Recreation is uniquely poised to lead this charge by providing the healthiest environment in our parks as possible.

We request that you, within your existing administrative authority, develop a tobacco use policy to restrict smoking in City parks, paying special attention to those facilities frequented by children. Such regulations would be consistent with the stated goals of the Department of Parks and Recreation to "provide safe and welcoming opportunities to play, learn, contemplate, and build community."

We look forward to working with you to make our parks cleaner, safer and healthier places for the citizens of Seattle to gather and enjoy.

Sincerely,

Handwritten signature of Tom Rasmussen.

Tom Rasmussen
Seattle City Councilmember

Handwritten signature of Sally J. Clark.

Sally J. Clark
Seattle City Councilmember

Handwritten signature of Nick Licata.

Nick Licata
Seattle City Councilmember

CC: All Councilmembers
Jerry DeGriek, Human Services Department

City Hall, 600 Fourth Avenue, Floor 2, PO Box 34025, Seattle, Washington 98124-4025
(206) 684-8888 Fax: (206) 684-8587 TTY: (206) 233-0025
<http://www.cityofseattle.gov/council>

An EEO employer. Accommodations for people with disabilities provided upon request.

Benefits of Tobacco-Free Parks

Parks serve as neighborhood centers where people of all ages gather to enjoy the outdoors, recreational activities and clean air. A tobacco-free policy would further Seattle Parks and Recreation's mission to provide safe and welcoming opportunities to play, learn, relax and build community. Seattle residents care deeply about their health and have a strong connection to the environment. An overwhelming majority of residents in Seattle support tobacco-free policies.



Over 25 cities and 3 counties throughout Washington State have successfully made their parks tobacco-free. Snohomish County recently conducted an evaluation of their tobacco-free parks policy and found that support for the policy is at an all-time high of over 70% and litter from cigarette butts has been dramatically reduced.

Top 3 Reasons for a Tobacco-Free Policy

#1

Health



Tobacco-Free parks ensure safe and healthy environments.

Secondhand smoke is highly toxic containing over 4,000 chemicals and 69 known human carcinogens⁽¹⁾. According to the Surgeon General, brief exposures to secondhand smoke may have adverse effects on the circulatory and respiratory systems and increase the severity of asthma attacks, especially in children⁽²⁾.

A 2007 Stanford study showed that being next to a person smoking in an outdoor area can expose a non-smoker to levels of pollutants that are similar to a smoky bar.⁽³⁾ A tobacco-free policy helps to ensure that all park-goers breathe clean air.

#2

Environment



Tobacco-Free parks to reduce litter and fires.

Young children often play with discarded cigarette butts and toddlers and pets have even been poisoned by eating them. According to the Washington State Department of Ecology, 480 million cigarette butts are littered in Washington State every year. Cigarette butts are not biodegradable and can take 15 years to decompose, during that time they leach cadmium, arsenic, and other poisons into the soil.⁽⁴⁾ Cleaning up littered butts requires the use of park resources.

Discarded cigarettes are also the third leading cause of preventable outdoor fires. In 2008, approximately 60,000 outdoor fires in the US were caused by tobacco. This amounts to one outdoor fire in the US caused by smoking every 9 minutes.⁽⁵⁾

#3

Youth



Tobacco-Free parks set a good example for youth.

Ninety percent of smokers begin smoking before they are 21 years old.⁽⁶⁾ Seeing other people smoke is one of the risk factors that make youth more susceptible to smoking.

The Washington Healthy Youth Survey has found that youth smoking rates are no longer declining in King County. It's imperative to take steps to reenergize this decline. Tobacco-free policies reduce youth exposure to people smoking and make the community healthier.

(1) IARC Monographs on the Evaluation of the Carcinogenic Risk of Chemicals to Humans Volume 83 (2004) Tobacco Smoke and Involuntary Smoking. Retrieved November 19, 2009 from <http://monographs.iarc.fr/ENG/Monographs/vol83/mon083-6A.pdf> (2) US Surgeon General (2006, June 27). The Health Consequences of Involuntary Exposure to Tobacco Smoke: A Report of the Surgeon General. Surgeon General Report. Retrieved November 19, 2009, from <http://www.surgeongeneral.gov/library/reports/involuntary/> (3) Stanford University (2007, May 3). Secondhand Smoke At Sidewalk Cafes And Other Outdoor Settings Is Still Serious, According to Scientists. ScienceDaily. Retrieved November 19, 2009, from <http://www.sciencedaily.com/releases/2007/05/0705250705251101404.htm> (4) Washington State Department of Ecology (2007, April 12). Statewide litter campaign focuses on dangerous litter behavior. Litter news: Law enforcement and citizens are watching. Retrieved November 19, 2009, from <http://www.ecy.wa.gov/news/2007/news/2007-003.html> (5) National Fire Protection Association (2009, September). Fire Loss in the United States 2008. Michael J. Kester, Jr. Retrieved November 19, 2009 from <http://www.nfpa.org/category/List.asp?categoryID=15&URL=Research> (6) D. Wakefield, et al, "Do Restrictions on Smoking at Home, at School and in Public Places Influence Teenage Smoking?" Impact Teen Research Paper Series, No. 3. Chicago: University of Illinois at Chicago, 2000.



Your City, Seattle



Rule/Policy

Department Of Parks and Recreation

Subject: Code of Conduct

Number: P 060 1.00.00

Effective: Draft Proposed

Approved: DRAFT

Department:

1.0 INTRODUCTION AND PURPOSES

- 1.1 The purpose of these administrative rules is to establish a Code of Conduct in order to better manage the Parks and Recreation system. The Code of Conduct prohibits specified conduct in order to ensure that all users may have the opportunity to enjoy the amenities the Parks system offers.
- 1.2 These rules apply only on property and facilities under the jurisdiction of the Department of Parks and Recreation and do not provide for a criminal or civil penalty. However, a person who violates these rules may have his or her permission to remain in the park withdrawn and/or the person may be issued a Parks Notice of Exclusion as provided in SMC 18.12.278.

2.0 REFERENCES AND AUTHORITY

- 2.1 These administrative rules are authorized by and promulgated as provided in the City Administrative Code (SMC 3.26.040).
- 2.2 SMC 18.12.278 "Park Exclusion".

3.0 PARKS CODE OF CONDUCT

3.1 Violations of State and Local Laws

In addition to violating applicable law, it is also a violation of these administrative rules to engage in any conduct that would constitute a criminal or civil violation of any applicable laws, including any provision of Chapter 18.12 of the Seattle Municipal Code (the Parks Code), any other provision of the Seattle Municipal Code (SMC) or any provision of the Revised Code of Washington (RCW).

3.2 Violations of this Administrative Rule

The following conduct is also expressly prohibited by these administrative rules.

- 3.2.1 Camping in any park unless specifically approved by the Superintendent;
- 3.2.2 Conduct that unreasonably deprives others of their use or enjoyment of the park or park facility;
- 3.2.3 Disrupting Department of Parks and Recreation business, events, or other sponsored activities;
- 3.2.4 Disposing of unwanted items anywhere but in a designated trash or recycling receptacle, dumping, or creating unsanitary conditions or health hazards on park property that violate public health rules of Seattle and King County (i.e. littering);
- 3.2.5 Violation of the laws requiring that dogs be leashed and licensed and that owner carry scoop equipment;
- 3.2.6 Dogs, whether on or off leash, at athletic fields, beaches, or children's playgrounds;
- 3.2.7 Possession of glass containers at athletic fields, beaches or children's playgrounds;
- 3.2.8 Posting of signs, posters, or notices in any park, unless otherwise permitted by the Superintendent;
- 3.2.9 Improper use of restrooms (e.g., no bathing or showering, except in designated facilities, and no washing clothes, sleeping, or eating);
- 3.2.10 Smoking anywhere on Parks and Recreation system property;
- 3.2.11 Distribution of handbills, circulars, or signs in any park in any manner that interferes with normal passage of people or vehicles, unless otherwise permitted by the Superintendent;
- 3.2.12 Spitting, urinating, or defecating, except in designated restroom fixtures;
- 3.2.13 Leaving packages, backpacks, luggage, or other personal items unattended;
- 3.2.14 Possession of liquor without all applicable permits;
- 3.2.15 Blocking entrances, exits, fire exits, handicap access areas, public walkways, or roadways, or obstructing pedestrian traffic or otherwise interfering with the provision of services or the use of park property;
- 3.2.16 Conduct that creates an unreasonable and substantial risk of harm to any person or property (i.e. dangerous activity);
- 3.2.17 Presence in a park or area within a park without a permit when the park or area within the park is not open to the public;
- 3.2.18 Entering restrooms designated for persons of the opposite sex (except children accompanied by a parent, guardian, or responsible adult, or to accommodate the needs of a person with a disability);

- 3.2.19 Igniting or maintaining a fire or use of flammable liquids, except in designated barbecues, grills, and fire rings;
- 3.2.20 Using park property without a permit for a use that requires a permit or requires City services (for example, use of amplified sound without a permit);
- 3.2.21 Capturing, annoying, or disturbing any animal;
- 3.2.22 Driving a motor vehicle anywhere in a park except on public roadways and parking lots;
- 3.2.23 Abusive or harassing behavior, including obscene language or gestures;
- 3.2.24 Possession or use of illegal fireworks, firecrackers or any other explosive or incendiary device;
- 3.2.25 Possession of explosives, acid, or any other article or material capable of causing serious harm to others;
- 3.2.26 Illegal gambling;
- 3.2.27 Possession, sale, or use of illegal drugs;
- 3.2.28 Defacing, destroying, or otherwise vandalizing park property, including buildings, fixtures, grounds, signs, or other structures;
- 3.2.29 Sexual misconduct, such as indecent exposure, offensive touching, sexual acts, or prostitution;
- 3.2.30 Assault or fighting;
- 3.2.31 Firearms violations under RCW Chapter 9.41.

3.3 Violations of Additional Rules

Unless provided otherwise in a specific applicable rule, failure to comply with any other rule relating to the use of property or facilities when the substance of such rule is indicated to the public by means of signs or signals, as provided in SMC 3.02.020(E)(4).

4.0 ENFORCEMENT

4.1 Violations of Law (Rule Section 3.1, 3.2)

Conduct that would constitute a violation of civil or criminal law may result in: 1) citation or arrest as provided under applicable law; 2) issuance of a Parks Exclusion Notice as provided in SMC 18.12.278 and Department Policy and Procedure 060-P 7.15 (adopted in 1997); and/or, 3) an authorized City employee’s notification to a person that his or her permission to remain on the premises has been withdrawn for up to twenty-four (24) hours.

4.2. Violations of these Rules.

Conduct that would not constitute a violation of civil or criminal law, but does violate these administrative rules, may result in: 1) issuance of a Parks Exclusion Notice as provided in SMC 18.12.278 and Department Policy and Procedure 060-P 7.15 (adopted in 1997); and/or, 2) an authorized City employee’s notification to a person that his or her permission to remain on the premises has been withdrawn for up to twenty-four (24) hours.

4.3 Violation of a Lawful and Authorized Directive

A violation of or failure to comply with a lawful directive issued by an authorized Parks and Recreation Department employee or agent may result in withdrawal of the violator’s permission to remain in the park or park facility for a period of up to twenty-four (24) hours.

4.4. Criminal Trespass

Entering or remaining on an area not open to the public, violating a Parks Notice of Exclusion, or remaining on the premises after being notified that permission to remain has been withdrawn, may subject the violator to arrest and prosecution for criminal trespass.

4.5 Parks Exclusion Notices

Parks Exclusion Notices shall be issued as provided in SMC 18.12.278, and as provided in the applicable Code of Conduct Length of Exclusion Guidelines.

Code of Conduct Length of Exclusion Guidelines

Duration 1st Offense	2nd Offense*	3rd Offense*	Violation Type
-------------------------	--------------	--------------	----------------

under 16/16 & over**	under 16/16 & over	under 16/16 & over	
Warning / 24 hours	1 day / 7 days	7 days / 30 days	Camping
Warning / 24 hours	1 day / 7 days	7 days / 30 days	Disruptive conduct - other visitors
Warning / 24 hours	1 day / 7 days	7 days / 30 days	Disruptive conduct - park business
Warning / Warning	1 day / 7 days	7 days / 30 days	Littering
Warning / 24 hours	1 day / 7 days	7 days / 30 days	Off- leash Dog
Warning / 24 hours	1 day / 7 days	7 days / 30 days	Dog at fields, beaches, playgrounds
Warning / 24 hours	1 day / 7 days	7 days / 30 days	Possession of glass containers
Warning / 24 hours	1 day / 7 days	7 days / 30 days	Posting of signs, etc.
Warning / 24 hours	1 day / 7 days	7 days / 30 days	Restroom Misuse - improper hygiene
Warning / 24 hours	1 day / 7 days	7 days / 30 days	Smoking
Warning / 24 hours	1 day / 7 days	7 days / 30 days	Distribution of materials, soliciting or survey
Warning / 24 hours	1 day / 7 days	7 days / 30 days	Spitting
Warning / 24 hours	1 day / 7 days	7 days / 30 days	Unattended Items
1 day / 7 days	45 days / 90 days	1 year	Urinating or defecating
7 days	45 days / 90 days	1 year	Possession of alcohol without permits
1 day / 7 days	45 days / 90 days	1 year	Blocking access
1 day / 7 days	45 days / 90 days	1 year	Dangerous or threatening activity
1 day / 7 days	45 days / 90 days	1 year	In park when closed, in non-public area
1 day / 7 days	45 days / 90 days	1 year	Restroom Misuse - wrong sex bathroom
1 day / 7 days	45 days / 90 days	1 year	Fire and use of flammable liquids
1 day / 7 days	45 days / 90 days	1 year	Using park without a permit
30 days / 60 days	45 days / 90 days	1 year	Capturing, annoying animal
30 days / 60 days	45 days / 90 days	1 year	Driving off-roadways
30 days / 60 days	45 days / 90 days	1 year	Harassment (discriminatory, obscene, profanity)
30 days / 60 days	45 days / 90 days	1 year	Illegal fireworks, firecrackers, explosive device
30 days / 60 days	45 days / 90 days	1 year	Possession of explosives
30 days / 60 days	45 days / 90 days	1 year	Illegal gambling
45 days / 90 days	90 days	1 year	Drug Activity - Signs of Influence
45 days / 90 days	90 days	1 year	Property Damage - under \$250
180 days / 1 year	1 year	1 year	Drug Possession, Sale or Use
180 days / 1 year	1 year	1 year	Property Damage - over \$250.00
180 days / 1 year	1 year	1 year	Indecent Exposure or Lewd Conduct
180 days / 1 year	1 year	1 year	Assault / Fighting
1 Year	Additional Year	Additional year	Weapons Violation or Any Felony
30 days / 60 days	45 days / 90 days	1 year	Remain on Property Following Order of Exclusion (i refuse to leave)

* Means second (or third) violation of the same rule within a one-year period.

** Individuals under age 16 will receive the shorter Notice of Exclusion period. The individual must show proof of age either at the time the Notice of Exclusion is issued or during an administrative review.

***Multiple Notices of Exclusion must be served consecutively - not concurrently.

Verbal Briefing

Mr. Friedli introduced himself and stated that the Department is working to consolidate what rules already exist, requests/complaints received by staff, and common courtesies. This draft is a step in the process, with the Department looking to the Board and public for comments to help refine the draft Code.

He reviewed several of the topics that the public have sent testimonies on today, following an online newspaper report: http://seattletimes.nwsourc.com/html/localnews/2010798342_newsmoking15m.html

He noted that the draft Code doesn't include any new language about dogs and doesn't prohibit dogs from parks – they are already prohibited from certain areas such as beaches and children's play areas. No spitting was included in the draft as a common courtesy issue. However, he is 90% certain that no spitting will not be included in the final draft of the Code.

Seattle's Park Rangers have encountered 917 instances of alcohol and drug use in the downtown parks they patrol. He noted that several Ballard and Downtown parks, as well as Othello Park, have benefitted from increased patrols by the rangers and Seattle Police Department (SPD). SPD has urged Parks to develop a Code of Conduct that clearly lists all unacceptable behaviors in parks in one document. A number of the behaviors in this draft Code are prohibited by law. The Superintendent noted that the park exclusions for breaking the rules are already enforced by SPD and are not new.

While developing the draft Code of Conduct, Mr. Friedli met with Parks staff from the Customer Service, Grounds, Parks, Recreation, and Security units for input.

Some of the items are expected to generate more comments than others, such as camping in parks, leaving unattended packages inside buildings, spitting, and smoking in parks. He noted that the briefing paper contains a letter from three City Councilmembers who are on the King County Board of Health urging the Parks Department to restrict smoking in parks. Parks will help educate the public about the Code of Conduct.

Board Discussion

Commissioner Kostka referred to Section 3.2.21 which prohibits "Capturing, annoying, or disturbing any animal" and asked that disturbing vegetation be added. Mr. Friedli agreed. Commissioner Kostka asked how Parks tracks those who are excluded from the parks, and how the person who has been excluded knows what date they can return to the park. Brock Miller, Acting Supervisor of the Park Rangers, responded that both SPD and the Park Rangers keep a database with this information. The person who is excluded from the park receives a paper copy of the exclusion with the return date included. Currently, the exclusion dates cannot be accessed online.

Commissioner Kostka asked if the databases will handle the increase in tracking. Ranger Brock responded that they will. Commissioner Kostka asked if implementing the new Code will be time consuming and Ranger Brock responded that it won't.

Commissioner Jourdan referred to Section 3.1.18 "Entering restrooms designated for persons of the opposite sex (except children accompanied by a parent, guardian, or responsible adult, or to accommodate the needs of a person with a disability)", and asked how the Code will accommodate transgenders. She suggested the Department designate some restrooms as unisex. Commissioners Kincaid and Ramels also voiced concern with Section 3.1.18. Mr. Friedli will do further research on this language and report back to the Board.

Commissioner Jourdan referred to Section 3.2.1 which prohibits "Camping in any park unless specifically approved by the Superintendent" and was unaware that camping was allowed in any park. Mr. Friedli and the Superintendent responded that scouts camp at Camp Long, the Department has sponsored a very successful family campout at Magnuson Park, and camping is allowed at the annual Discovery Park Pow Wow.

Commissioner Jourdan next referred to Section 3.2.13 which prohibits "Leaving packages, backpacks, luggage, or other personal items unattended" and stated that often the homeless must leave their belongings. She asked how the Department will exhibit compassion in these instances. Mr. Friedli responded that there will be a distinction between leaving packages inside facilities and outdoors. It is those left indoors of most concern. The Superintendent added that in the downtown areas, packages left sitting in small downtown park triangles and squares makes nearby pedestrians and business owners uneasy. Commissioner Jourdan asked that the Department acknowledge that homeless people need to leave their belongings sometimes. Commissioner Kincaid agreed. Commissioner Holme noted that athletes must also frequently leave backpacks and other gear unattended.

Commissioner Holme reflected that the simpler and fewer the rules, the better. His issues include:

- if any smoking prohibitions are adopted, should 3.2.10 which prohibits "Smoking anywhere on Parks and Recreation system property" include all tobacco products including chewing tobacco, etc.
- if any spitting prohibitions are included, Section 3.2.12 which prohibits "Spitting.....except in designated restroom fixtures", the rules should simply prohibit spitting at another person
- rewording Section 3.2.21 which prohibits "Capturing, annoying, or disturbing any animal." He noted that in recent years the federal and State governments have captured and removed bears, cougars, and other dangerous or nuisance animals from Seattle's parks
- removing the word illegal from Section 3.2.24 which prohibits "Possession or use of illegal fireworks, firecrackers, or any other explosive or incendiary device"

Mr. Barber recommended that the Department simplify or combine elements of the Code of Conduct wherever possible. He asked if public health has weighed in on the sanitary concerns of spitting and urged that the Department post signs at parks that list the illegal behaviors.

Commissioner Adams has similar comments as the other Commissioners. He wonders how practical and enforceable some of the behaviors will be. He asked if the Law Department has reviewed the Code as some of the sections refer to people's rights and some of the wording leaves a lot to interpretation. Mr. Friedli responded that the Law Department gave the Code a thorough review. Commissioner Adams suggested that the Code be taken out to the community for feedback, as well as discussed at the Superintendent's upcoming community meetings.

Commissioner Kincaid applauds the Department for the ban on smoking and guns in Seattle's parks. She has some of the same concerns already voiced by other Commissioners and referred to section 3.2.11 which prohibits "Distribution of handbills, circulars, or signs in any park in any manner that interferes with normal passage of people or vehicles, unless otherwise permitted by the Superintendent." Mr. Friedli responded that this has been in the Park Code for some time. Individuals may distribute handbills, etc., but they cannot block others' passageways during their distribution. Commissioner Kincaid suggested adding a new prohibition of cutting or poisoning trees.

Superintendent Gallagher noted that there is little new in the Code, except for prohibiting smoking and spitting. Commissioner Ramels asked how the Department will regulate spitting and wondered if this isn't going too far. Commissioner Kostka asked if people could still spit, if they bring a container with them. Superintendent Gallagher responded that Calgary, Canada, has a spitting ban and New York City celebrated its 100th anniversary of its ban on spitting with a party. Commissioner Ramels questioned how many cities ban smoking. Mr. Friedli responded that a dozen or so in Washington State have banned smoking in parks, as well as Chicago. The Superintendent added that California has banned smoking within 100' of playgrounds and at many beaches. Some California cities have banned smoking in the entire parks.

Commissioner Keith referred to Section 3.2.7 which prohibits "Possession of glass containers at athletic fields, beaches, or children's playgrounds" and asked why the Department is concerned with this, as many people have stopped buying plastic bottles and buy glass instead. Mr. Friedli responded that the concern is injuries from

broken glass in these areas. Commissioner Kincaid asked if this means that picnickers in beach areas should avoid bringing beverages in glass containers and Mr. Friedli agreed that they should.

Commissioner Adams urged the Department to educate the public on what is, and isn't, appropriate behavior in parks. Commissioner Holme requested that amendments to the draft policy be posted on the Department's web page as soon as possible after they are made.

The Superintendent noted that his office has received complaints on nearly every item in the draft Code of Conduct. Parks staff will modify the draft from public comment, as well as that of the Park Board, and prepare a new draft for distribution within the next week. Commissioner Ramels added that the public input helps shape this policy and that the Department takes the comments seriously.

The Board will hold a public hearing on the Code of Conduct at its January 28 meeting, which is scheduled at City Council Chambers, 2nd floor of City Hall, at 7:00 pm. Commissioners plan to discuss the Code and vote on a recommendation to the Superintendent at the February 11 meeting.

Commissioners thanked Mr. Friedli for the briefing.

Old/New Business

Committee Reports:

- Commissioner Kincaid reported on the most recent Center city Task Force meeting and its results so far. The Committee will meet monthly through March, then quarterly. The Task Force will report its results to the Park Board.
- Commissioner Kostka reported that the Naming Committee unanimously voted in favor of recommending to Superintendent Gallagher the recent park naming of Perugia Park. She noted that, due to the ensuing controversy over the naming [in relation to the outcome of the Amanda Knox trial], Superintendent Gallagher made the decision to put the park naming on hold until this spring. Superintendent Gallagher added that the park was named because of the good relationship Seattle has with its sister city, Perugia. Correspondence received by the Department was evenly split in support/opposition to the naming and he decided to hold the naming until emotions cool down.
- Commissioner Kostka is also a member of the temporary and new Waterfront Committee, which is working to develop the criteria and structure for how the waterfront will be designed – and not to develop the design itself. The committee consists of approximately 24 people and will meet from December 2009-September 2010. The area they are looking at runs from the Olympic Sculpture Park to the football/baseball stadiums.
- Mr. Barber reported that the Discovery Park Settlement Fund Oversight Committee will next meet on January 20.
- The Superintendent reported that there is no new information from the Seattle Art Museum Board meetings.
- Commissioner Holme reported that Councilmember Bagshaw attended the most recent Seattle Parks Foundation meeting, which was exciting to the Board.

Elections for 2010 Chair and Vice-chair: The Board is required by City Council ordinance to elect its chair and vice-chair at the beginning of each year. During the past couple months, the Board's coordinator solicited interest in the two positions and prepared ballots based on that interest. Six commissioners are eligible to vote.

- Chair: Jackie Ramels ran unopposed for chair. She won the election on a vote of 5-1, with one write-in candidate.
- Vice-chair: Commissioners Adams and Kincaid both spoke of their interest in being the vice-chair. After their remarks, the vote was taken and was a split vote of 3-3. After a brief discussion, it was agreed that Commissioner Adams would continue as Vice-chair and the matter would be tabled until the January 28 meeting, when the Board will discuss how best to proceed.

There being no other new business, the meeting adjourned at 9:10 p.m.

APPROVED: _____

Jackie Ramels, Chair
Board of Park Commissioners

DATE _____