

## Department of Parks and Recreation

Seattle Board of Park Commissioners  
Meeting Minutes  
January 28, 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:***

Christopher Williams, Deputy Superintendent  
Sandy Brooks, Coordinator

This meeting was held at City Council Chambers, City Hall, 600 4<sup>th</sup> Avenue. Commissioner Ramels called the meeting to order at 6:30 pm and reviewed the meeting agenda topics and consent items. **Commissioner Holme moved approval of the agenda as presented, the January 14 regular minutes, and the record of correspondence received by the Board since its January 14 meeting. Commissioner Kincaid seconded the motion. The vote was taken, with all in favor. Motion carried.**

## **Superintendent's Report**

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

SR 520 Project: Deputy Superintendent Williams distributed a handout on the Washington State Department of Transportation, which was a letter from City Council to the recent release of the Draft Supplemental Environmental Impact Statement. To read the press release and Council's letter, see <http://www.seattle.gov/council/newsdetail.asp?ID=10490&Dept=28>.

Volunteer Park Encroachments: On January 15, the Department mailed 30-Day NOTICE to ABATE letters to 13 of the 16 property owners abutting Volunteer Park. The letters asked recipients to contact Parks by January 29 to advise if they will comply within 30 days or apply for a permit within the 30-day period. To date, seven of 13 owners have contacted the Department: three have already begun physical removal of the private improvements; two expect to be completed within the 30 day period; three will apply for permits to remove within 90 days; and two permit applications have been received.

Community Meetings: The Department has scheduled eight community meetings, to date, in 2010. All meetings are scheduled 6:30-8:00 pm and are scheduled at: Lake City Community Center-April 7; Delridge Community Center-April 28; Rainier Community Center-May 20; Mt. Baker Community Club-June 5; Hiawatha Community Center-October 7; Bitter Lake Community Center-October 13; Montlake Community Center-October 19; and Green Lake Community Center-date to be determined.

Senior Management Position Review: Mayor McGinn called for a review of senior management positions with a target of eliminating or reclassifying 200 positions. The goal of this review is to begin to make the operational changes needed as the City positions itself to close the 2011 budget gap and allow the City – to the greatest extent possible – to preserve direct services. The senior-level position targets are allocated among Executive branch departments based on a combination of three factors:

- 1) the number of senior-level positions created through the reclassification of vacant lower level positions to senior-level positions outside of the budget process;
- 2) the number of senior-level positions that were eliminated from departments as part of the 2010 adopted budget process;
- 3) the overall growth in the number of senior-level positions between 2002 and 2010

Between 2002 and 2010, Seattle Parks and Recreation actually reduced its number of senior level positions by three. The Department's response to section 1, describing Parks' 64 senior level positions, is due next Friday. The following week the Department must submit a plan for reducing three positions, which is Parks' assigned target. Decisions are scheduled for late March.

Commissioner Ramels asked whether Parks or the Mayor's office will determine the three positions to be reduced. Deputy Superintendent Williams responded that the three positions will be voluntary resignations, with Aquarium staff resigning from Seattle Parks and being re-hired by the Seattle Aquarium Society.

Social Media: Parks is developing guidelines for the development of social media web sites such as Facebook and Twitter. Some facilities have created Facebook pages that have been a very effective means of sharing information. The guidelines will provide a standard template for the pages, while not inhibiting the free flow of communication intended by social media.

Park Board Member Selection: Councilmember Bagshaw set February 5 as the deadline for resumes and letters of interest for position #2 on the Board of Park Commissioners, one of the three seats appointed by City Council. Interviews are tentatively scheduled for the week of February 22.

Women in Black/Victor Steinbrueck Park: This group was awarded a \$55,000 Large Project Fund Matching Grant from Department of Neighborhoods and these funds were slated to be available in early 2010 for a project at Victor Steinbrueck Park Homeless Place of Remembrance. The Pike Place Market Historical Commission unanimously voted this proposal down last night. Kevin Stoops, Seattle Parks Director of Planning and Development, will contact the Department of Neighborhoods about bringing this effort to conclusion since there isn't sufficient community support for the effort. For more information on Victor Steinbrueck Park, see [http://www.seattle.gov/parks/park\\_detail.asp?ID=338](http://www.seattle.gov/parks/park_detail.asp?ID=338).

Thomas Street Bridge: Superintendent Gallagher will meet with the new director of Seattle Department of Transportation (SDOT) to review this bridge project. Seattle Parks has provided funding from the Shoreline Park Improvement Fund, the Pro Parks Levy, and the new Parks and Green Spaces Levy for this project. Late this fall, SDOT reported that funds were insufficient to proceed with the project. For more information on this project, see <http://www.seattle.gov/Transportation/thomasoverpass.htm>.

Commissioner Holme asked if Parks staff members are quantifying the shortage. Deputy Superintendent Williams will supply that information to the Board.

Camp Long Operational Master Plan: The Parks and Green Spaces Levy is providing \$1 million in funding for improvements and upgrades to the Camp Long Environmental Learning Center main lodge, including basement renovation and kitchen remodel. Work will begin in February 2010 and be completed this summer. To mark this investment, Parks Superintendent Tim Gallagher has requested that an operational Master Plan be completed, and the plan completed shortly after the Lodge reopens. The operational Master Plan will focus on

creative partnerships to bring more programming and resources to Camp Long. Staff has begun outreach to the Camp Long Advisory Council and other community Groups.

Responding to a question from Commissioner Ramels as to when the Lodge will re-open, Deputy Superintendent Williams answered in June.

I-5 Colonnade Park: Parks staff met with Chris Leman of the Eastlake Community Council on January 21 to walk the stretch of WSDOT right-of-way from Galer Street south to Eastlake Avenue. Mr. Leman favors a trail connection underneath I-5. The area from Galer Street north to the I-5 Colonnade Park was also looked at. There are many issues and challenges to overcome before determining if the idea is feasible. For more information on I-5 Colonnade Parks, see [http://www.seattle.gov/parks/park\\_detail.asp?ID=4446](http://www.seattle.gov/parks/park_detail.asp?ID=4446).

Parks and Green Spaces Levy Status Report: Deputy Superintendent Williams shared extensive information on the Levy projects. Nine projects have been completed, with four play areas planned, designed, and constructed within the Levy's first year: Atlantic Street Play Area; Bayview Playground Play Area; Bhy Kracke Park; and Brighton Playfield Play Area. The other five completed projects include Chinook Beach Restoration; Lower Woodland Playfield Field #2 conversion; Lower Woodland Playfield Field #7 conversion; Magnuson Park Trail; and Queen Anne Boulevard. For more information on Levy projects and status, see <http://www.seattle.gov/parks/levy/default.htm>.

Levy Opportunity Fund: Parks staff completed the first round of four Technical Assistance Workshops for the Opportunity Fund, with over 150 community members attending. Staff is also conducting over 26 one-on-one meetings with proponents to help with proposal letter, which are due to Parks by February 1. For more information, see <http://seattle.gov/parks/levy/default.htm>

## **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. Two people testified.

Cheryl Klinker: Ms. Klinker addressed the Thornton Creek naming process on tonight's agenda. She applauds the naming process as brought forth by staff and encouraged the Board's support. It is wonderful to have the area under one name.

Donna Hartmann-Miller: Ms. Hartmann-Miller referred to the Fees and Scheduling Policy briefing. She stated that many fields are in much higher demand on some days than others. She suggested reducing fees on the low use days to decrease demand on the heavier-scheduled days.

## **Public Hearing: Code of Conduct**

At its January 14 meeting, Eric Friedli, Seattle Parks' Policy Manager, briefed the Board on a proposed Code of Conduct. To read the minutes from that meeting, including the briefing paper and the Board's discussion, see <http://www.seattle.gov/parks/ParkBoard/minutes/2010/01-14-10.pdf>. Prior to this meeting, Commissioners received an updated briefing paper and new draft Code showing a number of changes to the Code (shown in blue), as suggested by Commissioners and public input.

### ***Written Briefing and Draft Policy***

#### **Requested Board Action**

The proposed Code of Conduct was presented to the Board 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..](http://www.spl.org/default.asp?pageID=about_policies_conduct..)

## **Public Involvement Process**

The proposed Code of Conduct was posted on the Board website on January 8, 2010 and has received extensive press coverage since that time. The Board has already received numerous comments. The Park Board will be hosting a public hearing (January 28, 2010) and gathering public comments (through February 10, 2010) on the proposal.

## **Issues**

*Subsequent to the initial briefing to the Board on January 14 and in response to your comments at that meeting and initial comments from the public a second draft proposal has been developed. The changes include:*

- *Addition of 'or other pets' to sections 3.2.5 and 3.2.6*
- *Addition of 'chewing or other tobacco use' to section 3.2.10*
- *Added clarification, 'while the owner is not in the same area of the park or inside the facility' to the unattended bags section 3.2.12*
- *Removal of 'spitting' from section 3.2.13*
- *Removal of 'Entering restrooms designated for persons of the opposite sex...' - section 3.2.18*
- *Addition of 'wildlife, waterfowl, etc' to section 3.2.20*
- *Addition of new section 3.2.21 regarding removal or damage to plant materials*
- *Clarified the language concerning fireworks to make it consistent with Seattle Fire Code in section 3.2.24*
- *Added Seattle Municipal Code (SMC) and Revised Code of Washington (RCW) citations where applicable.*

## **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

Department **Of Parks and Recreation Rule/Policy**

<b>Subject:</b> Code of Conduct REVISED DRAFT <b>JANUARY 21, 2010</b>		Number: P 060 1.00.00
		Effective: Draft Proposed
Approved: DRAFT V2	Department: <b>Parks &amp; Recreation</b>	

**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 (SMC 18.12.250);
- 3.2.2 Conduct that unreasonably deprives others of their use or enjoyment of the park or park facility (Policy and Procedure 7.13.1);
- 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) (SMC 18.12.260);
- 3.2.5 Violation of the laws requiring that dogs or other pets be leashed and licensed and that owner carry scoop equipment (SMC 18.12.080);
- 3.2.6 Dogs or other pets, whether on or off leash, at athletic fields, beaches, or children’s playgrounds (SMC 18.12.080);
- 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 (SMC 18.12.050);

- 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, [chewing or other tobacco use](#) anywhere on Parks and Recreation 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 ([SMC 18.12.060](#))  
~~Spitting, urinating, or defecating, except in designated restroom fixtures;~~
- 3.2.12 Leaving packages, backpacks, luggage, or other personal items unattended [while the owner is not in the same park or facility](#) ([Policy and Procedure 2.7.3](#));
- 3.2.13 [Spitting, urinating, or defecating, except in designated restroom fixtures](#) ([SMC 18.12.145](#));
- 3.2.14 Possession of liquor without all applicable permits ([SMC 18.12.255](#) and [.257](#));
- 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 ([SMC 18.12.070\(c\)](#));
- 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 ([SMC 18.12.070](#); [Policy and Procedure 7.1.2](#));
- 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 ([SMC 18.12.270](#));
- 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) ([SMC 18.12.275](#));
- 3.2.21 Capturing, annoying, or disturbing any animal, [wildlife, waterfowl, etc.](#) ([SMC 18.12.100](#));
- 3.2.22 [Removing, destroying, or mutilating, or any way altering lawn, shrubs, plants, flowers, sand, soil, or habitat area without proper authorization](#) ([SMC 18.12.070\(a\)](#));
- 3.2.23 Driving a motor vehicle anywhere in a park except on public roadways and parking lots ([SMC 18.12.235](#));
- 3.2.24 Abusive, or harassing, [or bullying](#) behavior, including obscene language or gestures ([SMC 12A.06](#));
- ~~3.2.25~~ [Sale, possession, use or discharge of any fireworks or pyrotechnics special effects, except where authorized by a Seattle Fire Department permit \(Seattle Fire Code\); Possession or use of illegal fireworks, firecrackers or any other explosive or incendiary device;](#)
- 3.2.26 Possession of explosives, acid, or any other article or material capable of causing serious harm to others;
- 3.2.27 Illegal gambling ([RCW 9.46](#));
- 3.2.28 Possession, sale, or use of illegal drugs ([RCW 69.50](#));
- 3.2.29 Defacing, destroying, or otherwise vandalizing park property, including buildings, fixtures, grounds, signs, or other structures ([SMC 18.12.07\(b\)](#));
- 3.2.30 Sexual misconduct, such as indecent exposure, offensive touching, sexual acts, or prostitution ([various RCW's](#));
- 3.2.31 Assault or fighting ([SMC 12A.06](#));
- 3.2.32 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 under 16/16 & over**	2nd Offense* under 16/16 & over	3rd Offense* under 16/16 & over	Violation Type
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 <a href="#">and other tobacco use</a>
Warning / 24 hours	1 day / 7 days	7 days / 30 days	Distribution of materials, soliciting or survey
<a href="#">Warning / 24 hours</a>	<a href="#">1 day / 7 days</a>	<a href="#">7 days / 30 days</a>	<a href="#">Spitting</a>
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

## Code of Conduct Length of Exclusion Guidelines

Duration 1st Offense under 16/16 & over**	2nd Offense* under 16/16 & over	3rd Offense* under 16/16 & over	Violation Type
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, <a href="#">disturbing an animal</a>
<a href="#">30 days / 60 days</a>	<a href="#">45 days / 90 days</a>	<a href="#">1 year</a>	<a href="#">Destroying plant material/habitat</a>
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 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/Discussion*

Mr. Friedli introduced himself and reviewed the recent changes to the draft Code. Commissioners asked several questions:

Commissioner Adams: Asked Mr. Friedli to describe the process for bags left unattended at facilities. Mr. Friedli responded that the community centers and offices have a lost and found area. The bags will be stored there for 30 days and then disposed of following procedures. Commissioner Adams asked if there is a penalty to regain a bag and Mr. Friedli responded that there isn't.

Commissioner Kostka: Referred to sections 3.2.21 "Capturing, annoying, or disturbing any animal, wildlife, waterfowl, etc. (SMC 18.12.100)" and asked if this could include destroying a nest. Mr. Friedli will look into this language. She also asked if 3.2.22 "Driving a motor vehicle anywhere in a park except on public roadways and parking lots (SMV 18.12.235) includes mopeds and bikes and Mr. Friedli answered that it does.

Commissioner Barber: Referred to section 3.2.2 "Removing, destroying, or mutilating, or any way altering lawn, shrubs, plants, flowers, sand, soil, or habitat area without proper authorization (SMC 18.12.070 (1))" and asked that trees be included. Mr. Friedli agreed. He next referred to City Council's letter to the Department and noted

that it asks the Department to restrict smoking where children are present. The Department's full ban on smoking is a much broader policy. Mr. Friedli responded that the Department expanded the policy to make it clear.

The public hearing began. The Chair reminded the audience that speakers have up to two minutes to testify and will be timed. 14 people testified.

### **Public Hearing**

Chris Burns: Is a student at Seattle University and **asked that the Department strike Sections 3.2.1, 3.2.9, and 3.2.17**, shown below. Ms. Burns spoke to the difficulties that transgender and homeless people already face and stated that 40% of homeless youth identify themselves as transgender and the homeless use parks to avoid police harassment.

3.2.1 Camping in any park unless specifically approved by the Superintendent ([SMC 18.12.250](#));

3.2.9 Improper use of restrooms (e.g., no bathing or showering, except in designated facilities, and no washing clothes, sleeping, or eating);

3.2.17 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 ([SMC 18.12.070](#); [Policy and Procedure 7.1.2](#));

Carey Jones: Also requested that the Department **remove sections 3.2.1, 3.2.9, and 3.2.17** from the Code, as they are an open invite for police to harass the homeless. The City should work to alleviate homelessness, rather than evict the homeless from parks. Transgender people already face harassment.

Pete Boyd: Believes the smoking ban is going way too far and that people should be allowed to smoke in open air park areas. Not being allowed to smoke inside is one matter, but not allowing it outside is a totally different matter. Please consider the tax-paying smokers and **remove the smoking ban** from the Code.

Sara Ross-Viles: She is a member of the Seattle Riot, a women's Frisbee team that competes nationally and internationally and has won both the World and National Championship titles. She supports the smoking ban, and referred to a teammate with asthma who asked a nearby smoker to extinguish his cigarette. He refused, as there was no code to back up the request. Athletes also slip on the discarded cigarette butts. San Francisco designated its parks as smoke free in 2005. **She supports the smoking ban.**

Ilana Morris: University of Washington graduate student and also asked the Department to **remove sections 3.2.1, 3.2.9, and 3.2.17** from the Code. She requested that Parks redirect its energy to create legitimate park uses, rather than treating the homeless as criminals.

Alan Evinson, Jr: A longtime resident, golfer, and cigar smoker. He will not apologize for smoking outside in parks, as he does not smoke in front of kids. He noted that the golf courses have gas-powered carts that emit exhaust and those are allowed. **He opposes the smoking ban.**

Diana Vergis Vihn: A nurse by profession and speaking as a private citizen. Second hand smoke is dangerous and harmful to those with asthma, children, and seniors. The public's health is in the City's hands. **She urged the Board to support the smoking ban.**

Edgar Lopez: Health educator. He stated that many kids die from asthma and this smoking ban will protect both children and adults. Health care providers recommend people to do exercise and parks are one of the places this happens. **He urged the Board to support the no smoking ban.**

Rob Griffin: He believes **sections of the code are mean in spirit, focus on the homeless and minorities, and should be removed.** Many are working to tear down these walls and laws and rules against the homeless and minorities do not help. He asked that the City build more showers for the homeless.

Sharon Levine: Brought in clear gallon-size plastic bags of cigarette butts she collected at 9 different parks. The butts are toxic for children, plants, and animals. Cigarette butts discarded on pavement frequently wash into the City's drains and waterways. They are lethal to seabirds that mistakenly eat them. She stated that it takes 15 years for a cigarette filter to decompose. She **urged the Board to support the smoking ban.**

Devon Knowles: He referred to several sections of the code that he believes will give the Parks Department new tools to harass the poor and **is strongly opposed.** He asked that bathing in a park not be criminalized.

Abigail Halperin: Medical doctor who assists people to quit smoking. She stated that 10% of King County residents smoke and 90% of those state they wish they had never started. Restricting areas where smoking is allowed helps people to quit smoking. Any tobacco smoke is toxic, in any amount. Even walking through tobacco smoke can trigger an asthma attack in some children. She urged the Board to **support the smoking ban.**

Karen Stocker: Asked that Parks **provide some places where the homeless can bathe and leave their bags.**

Janifer Calleja: **Asked the Department to consider how it will enforce the Code.** She visits parks frequently and sees many dogs off-leash.

The public hearing concluded. The Board thanked all those who attended the meeting and gave verbal testimony. The Chair commented that the testimony from the young people in support of the transgender and homeless population was especially moving.

### *Additional Board Discussion*

Commissioners discussed portions of the testimony.

#### Homeless/Transgender Testimony:

Commissioner Keith is concerned that parts of the Code are difficult to enforce and mostly impact people who have nowhere else to be and urged that the Department be very cautious when sending a message that "parks are not for everyone." Homeless people should be welcomed in parks the same way as those who aren't homeless are welcomed. She added that just because someone is homeless doesn't mean that they aren't still a taxpayer. She remains concerned about the new policy of unattended bags and asked that the Department change this language.

Commissioner Keith noted that section 3.2.9., no bathing in restrooms, is a new policy and asked why the Department is concerned about this. Mr. Friedli responded there are times when people are bathing in the restroom sinks and other park patrons want to use the facilities. This happens near playfields where kids are frequently present. Mr. Friedli agreed to go back and revisit this language. Responding to a question from Commissioner Kostka on park locations where homeless people may shower, Deputy Superintendent Williams responded they may shower at any of the attended pools.

Commissioner Barber stated that the sections of the Code affecting the homeless are the most difficult to consider. One of his friends recently helped clean a large park encampment and there was a daunting amount of human waste at the site. He agrees with no camping in parks, but sees no harm in bathing in park facilities as it helps homeless people with hygiene and health.

Commissioner Kincaid agreed that the issue of bathing and unattended packages is very difficult. The homeless are already hurting and this discriminates against them.

#### Smoking:

Commissioner Adams asked if the smoking ban applies to smoking cigars on golf courses and Mr. Friedli responded that it does. Commissioner Holme noted that testimony referred to smoking at Seattle Center, which

is a separate Department from the Parks Department and not covered by this Code of Conduct. Deputy Superintendent Williams agreed and added that smoking is banned entirely at Seattle Center. Commissioner Holmes will miss the February 11 discussion and recommendation. He asked that the letter from City Council asking for a partial smoking ban and not a full ban be reviewed and that Parks address how it considered a partial vs. a full ban.

Guns on Park Property:

Commissioner Holme clarified that 3.2.32 "Firearms violation" refers to State law RCW Chapter 9.41 and not former Mayor Nickel's gun ban.

Dogs on Beaches:

Responding to a comment from Commissioner Barber about dogs banned from beaches and that chemicals are the source of more water pollution than dogs, Commissioner Holme noted that the Seattle Municipal Code mandates no dogs on beaches. This is a City requirement and has been in place for some time.

The Board thanked Mr. Friedli for the presentation and plans to discuss the Code of Conduct at its February 11 meeting and make a recommendation to the Superintendent. Written testimony will be accepted through February 9.

**Briefing: Fees and Charges Setting Policy**

Eric Friedli, Seattle Parks Policy and Business Manager, next presented a briefing on the Department's draft Fees and Charges Setting Policy. Commissioners received a written briefing prior to this meeting, included below and posted to the Board's web page several days prior to this meeting.

*Written Briefing*

**Requested Board Action**

The Board is being requested to gather public feedback and make recommendations on a proposed Fees and Charges Policy. This initial briefing will be followed by a public hearing on February 11, 2010. The Commission will be asked to make recommendations on February 25, 2010.

**Purpose**

The objective for a fees and charges policy is to establish a consistent and equitable framework for setting prices for parks and recreation programs, services and facility use that recognizes 1) the trade-offs between community benefits and individual benefits and 2) the costs of providing programs, services and facilities.

**Background**

In response to their request, in June 2009 the Superintendent provided to the City Council a review of Seattle Parks and Recreation fees and charges. That review provided background on the legal context, outlined best practices research, summarized information from other jurisdictions, and described policy options. A formal fee policy proposal was not offered at that time but a general outline was introduced. The fees and charges review was shared with the Board of Park Commissioners and an initial briefing on this topic was provided on September 10, 2009. The Board hosted a public hearing on November 5, 2009. The intent of the earlier briefing and public hearing was to gather input from the Commissioners and the public prior to developing a formal policy proposal. In fall 2009, the Seattle City Council adopted a Statement of Legislative Intent "request[ing] the Department of Parks and Recreation to submit a fee policy proposal no later than March 31, 2010."

The lack of existing policy guidance for setting fees is recognized in Parks and Recreation's Strategic Action Plan (SAP), which calls for an evaluation of fees and charges policies for programs and services (Goal 6.D.1i-v). Specifically it calls on Parks and Recreation to "evaluate current fee structures and establish fee policies that consider equity, cost recovery, consistency, and clear understanding for the public" (Goal 6.D.1).

One of the significant challenges is determining a program cost for fee based programs. This is a critical component for measuring cost recovery and establishing a fee policy. Having cost data directly linked to specific programs would be ideal when assessing cost recovery related to fees and charges. Unfortunately, systems are not in place to precisely assign costs to the programs and facilities for which Parks and Recreation collects fees. Staff has developed a method for allocating costs to programs and facilities that utilizes existing information and provides a benchmark for linking fees with cost recovery goals. The verbal briefing will include walking through the methodology and explaining the information sources and calculations.

### **Next Steps**

- Public Hearing, February 11, 2010.
- Board of Park Commissioners discussion and recommendation, February 25, 2010.
- Policy proposal to City Council March 31, 2010.
- Use the policy to develop fees and charges proposal for the 2011/2012 budget.
- Assess the policy and fee setting process after the 2011/2012 budget process is complete.
- Refine policy and fee setting process as appropriate in 2011.

### **Additional Information**

Eric Friedli: [eric.friedli@seattle.gov](mailto:eric.friedli@seattle.gov)

### ***Verbal Briefing/Discussion***

Mr. Friedli gave a Powerpoint presentation on the Fees and Scheduling Policy. Due to time constraints, the Chair asked Commissioners to e-mail any questions to the Board's coordinator, who will consolidate the questions and send to Mr. Friedli for response. Commissioners thanked Mr. Friedli for the presentation. The Board will hold a public hearing on this topic at the February 11 meeting, followed by a discussion and recommendation to the Parks Superintendent at the February 25 meeting.

### **Briefing: Thornton Creek Park Naming Process**

Paula Hoff, Seattle Parks Strategic Advisor, presented a briefing on the process to name the Thornton Creek Park area. Prior to this meeting, Commissioners received a written briefing which was posted on the Board's web page and is included in these minutes.

### ***Written Briefing***

#### **Requested Board Action**

The Board of Park Commissioner is being asked to support the proposed process for naming park sites along Thornton Creek. This would come in the form of an endorsement for moving forward with naming the access points in Thornton Creek Park #2 and Thornton Creek Park #6 and a few other unnamed park sites along Thornton Creek.

#### **Project Description and Background**

Over the last few years, Parks has received requests from citizens to name sections of Thornton Creek Park #2 and Thornton Creek Park #6. Since many of the parcels along the Creek are contiguous, staff has been developing a naming plan that makes it clear the sites are related and are public access points to Thornton Creek.

#### **Proposal**

Parks is proposing to begin public naming processes for all access points along the creek, such that any sites named along the creek will be called ".....access at Thornton Creek Natural Area". This would include five access points along Thornton Creek Park #6, four access points along Thornton Creek Park #2, and a few other park sites that stand alone along the creek.

**Public Involvement Process**

The Public Involvement Process will begin when we advertise that Parks is seeking names for the Thornton Creek access points. At that time we will issue a notice seeking public naming suggestions for the sites. We will use e-mail lists, local publications, major newspapers, community groups and signage posted at the sites to advertise the public naming process.

Once the suggestions are compiled and the deadline closes, the Park Naming Committee will make a recommendation to the Superintendent who will name the park sites.

**Schedule**

Consistent with the Park Naming Policy (P-1.4.1), we would move forward in the next month to advertise these sites for park naming, either all together or in batches.

**Summary**

Linking the names of the park sites with access to Thornton Creek will support opportunities for the public to observe and enjoy nature along Thornton Creek and its tributaries.

**Additional Information**

Paula Hoff: [paula.hoff@seattle.gov](mailto:paula.hoff@seattle.gov)

*Verbal Briefing*

Ms. Hoff introduced herself and showed a large map of Thornton Creek and reviewed the sites proposing to name, as well as the process. If this process is successful, it is likely that Longfellow Creek will be named in a similar manner. Commissioner Holme asked if Thornton Creek areas that are already named will be re-named. Ms. Hoff responded that the current name will continue to be used, with the addition of "at Thornton Creek." She gave "Homeward Park at Thornton Creek Access Point" as an example. Commissioners asked several more questions. **Commissioner Holme moved that the Board recommend to the Superintendent approval of the staff recommendation for the proposed Thornton Creek naming process. Commissioner Kostka seconded. The vote was taken, with all in favor. Motion carried.** Commissioners asked that Parks staff also schedule a tour of the Thornton Creek area for the Board.

**Old/New Business**

Vice-chair Position: At the Board's January 14 election, there was a tie while electing the position of Vice-chair. Commissioners Adam and Kincaid suggested they share the position with Adams serving the first segment and Kincaid the second. Further discussion of this proposal was delayed to a future meeting.

There being no other new business, the meeting adjourned at 9:00 p.m.

APPROVED: \_\_\_\_\_

Jackie Ramels, Chair  
Board of Park Commissioners

DATE \_\_\_\_\_