

**REGULAR PARK BOARD MEETING AND AGENDA
OCTOBER 12, 2020
6:00 PM REGULAR MEETING
REMOTE MEETING**



ATTENTION:

Protecting the public, our partners, and our staff are of the utmost importance.

Due to recent health concerns with the novel coronavirus and in compliance with the Governor's Executive Order 20-28.2 (amending 20-05, 20-28, 20-28.1 , 20-28.2, 20-28.3, 20-28.4, 20-28.7 , 20-28.8, 20-28.9, 20-28.10), this meeting will be held remotely.

The public is encouraged to participate via telephone or Zoom and will be given opportunities to comment, as noted below.

You can listen to Regular Park Board Meeting via telephone by following the instructions below:

Telephone Instructions:

Dial: 253-215-8782

**Enter Meeting ID:
993 9224 0526 #**

Participant ID: no ID needed just press #

You can listen and view presentations of the Study Session & Regular Park Board Meeting via the Zoom link:

Join Zoom Meeting

<https://zoom.us/j/99392240526>

Community comment is encouraged to be submitted in advance of the meeting in written form. Please submit written comments to the Board by 5pm on October 12, 2020 by e-mailing them to Jennifer Bowman at jenniferb@tacomaparks.com Comments will be compiled and sent to Board members in advance of the meeting.

Comments may also be left on voicemail at 253-305-1091 by 5pm on October 12, 2020. Verbal comments will also be allowed during the meeting. To request to speak during community comments, please press the Raise Hand button near the bottom of your Zoom window or *9 on your phone. All speakers will have up to three minutes to speak.

**METROPOLITAN PARK DISTRICT
OF TACOMA**



AGENDA

**OCTOBER 12, 2020
6:00 P.M.
REMOTE MEETING**

Via Telephone
Dial: 253-215-8782
Enter Meeting ID: 993 9224 0526 #

Participant ID: no ID needed just press #
or

Listen and view presentations of the
Regular Park Board Meeting via the Zoom link:

Join Zoom Meeting

<https://zoom.us/j/99392240526>

**MEETINGS ARE RECORDED AND MAY BE HEARD AT THE
PARK DISTRICT OFFICES UPON REQUEST**

COMMISSIONERS

**TIM REID, PRESIDENT
ERIK HANBERG, CLERK
AARON POINTER
ANDREA SMITH
JESSIE BAINES, JR.**

6:00 P.M. **CALL TO ORDER**

ROLL CALL

SPECIAL PRESENTATIONS

PROCLAMATION HONORING HAROLD MOSS
PROCLAMATION IN HONOR OF INDIGENOUS PEOPLE'S DAY

PRESIDENT'S REPORT

STANDING COMMITTEE & COMMISSION REPORTS

"Park District meeting sites are accessible to people who require special accommodations, please contact 305-1091 48 hours prior to the meeting time."



EXECUTIVE DIRECTOR’S REPORT

REGULAR MEETING

COMMUNITY COMMENTS

Community comment is encouraged to be submitted in advance of the meeting in written form. Please submit written comments to the Board by 5pm on October 12, 2020 by e-mailing them to Jennifer Bowman at jenniferb@tacomaparks.com Comments will be compiled and sent to Board members in advance of the meeting. Comments may also be left on voicemail at 253-305-1091 by 5pm on October 12, 2020. Verbal comments will also be allowed during the meeting. To request to speak during community comments, please press the Raise Hand button near the bottom of your Zoom window or *9 on your phone. All speakers will have up to three minutes to speak.

MINUTES

- (5-8) MINUTES OF THE SEPTEMBER 28, 2020 REGULAR BOARD MEETING

CONSENT AGENDA

- (9-10) **RESOLUTION NO. C45-20**: APPROVAL OF WARRANTS CLAIM FUND FOR SEPTEMBER 2020
(Contact: Erwin Vidallon, Chief Financial Officer)

REGULAR AGENDA

PURCHASING RESOLUTIONS

(Requiring one reading for adoption)

PUBLIC WORKS PURCHASING RESOLUTIONS

(Requiring one reading for adoption)

SINGLE READING RESOLUTIONS

(Requiring one reading for adoption)

SECOND READING RESOLUTIONS

(Requiring two readings for adoption)

- (11-16) **RESOLUTION NO. RR43-20**: SURPLUSING AND CONVEYING CERTAIN REAL PROPERTY AT TITLOW PARK TO THE CITY FOR THE CONSTRUCTION OF A PEDESTRIAN RAIL CROSSING
(Contact: Debbie Terwilleger, Director of Planning & Development)

(17-22) **RESOLUTION NO. RR44-20:** ADOPTING DISTRICT FAMILIES FIRST
CORONAVIRUS RESPONSE ACT POLICY
(Contact: Hunter George, Interim Chief Administrative Officer)

FIRST READINGS:

(Requiring two readings for adoption)

UNFINISHED BUSINESS

NEW BUSINESS

BOARD COMMENTS

ADJOURNMENT

UPCOMING BOARD MEETINGS

October 14, 2020	Capital Improvement Committee	5:00 PM	Remote Meeting
October 19, 2020	Committee of the Whole	5:30 PM	Remote Meeting
October 26, 2020	Regular Park Board Meeting	6:00 PM	Remote Meeting
October 27, 2020	Joint Study Session with City Council	12:00 Noon	Remote Meeting
October 28, 2020	Committee of the Whole	5:30 PM	Remote Meeting

*Remote meeting details can be found on the Metro Parks Website www.metroparkstacoma.org

*Committee Meetings are subject to change - please check the Metro Parks Website, www.metroparkstacoma.org for the most up to date meeting schedules.





**MINUTES OF REGULAR MEETING
BOARD OF PARK COMMISSIONERS
September 28 2020**

PRESENT: Tim Reid, President
Erik Hanberg, Clerk
Andrea Smith
Aaron Pointer
Jessie Baines

IN THE CHAIR: Tim Reid

PLACE: Remote call in meeting

STUDY SESSION 2020 Budget Update

Erwin Vidallon opened the presentation by noting this review would provide the August year to date financial update, and would also provide a comparison and expenditure forecast to actuals to date due to the impacts of COVID. Tables highlighting the August revenue shortfalls as well as expenditure savings within all funds were reviewed. Total revenue shortfall was more than forecasted at \$703,470. However, actual expenditure savings was also more than forecasted at \$719,986. This resulted in a net revenue/expense of \$12,516. Mr. Vidallon then showed several graphs that detailed 2020 month-to-month movement in revenue. He pointed out projections for the remainder of 2020 as compared to the original budget as being significantly lower.

Staff commented that within the area of earned revenue MPT is about \$1.3 M short of forecast as programs are not fairing as well as the District had hoped. Mr. Vidallon did point out the continued strong showing from the golf course and boathouse marina. Commissioner Hanberg and staff engaged in conversation regarding the Board's role in the budget process during this time if actuals and projections are changing rapidly. Shon Sylvia commented that at this point changes being made are within the authority of the executive director.

Mr. Vidallon then reviewed a graph that gave details related to property tax revenue. He noted that collections in the spring did come in surprisingly just slightly lower than projected. He noted that October collections at this point are being projected close to budget. In the area of sales tax actuals are doing better than forecasted but staff continue to watch that carefully.

Through use of another graph Mr. Vidallon pointed out the actual budget expenditures through August 2020. He commented that actuals remain lower than forecasted.

Mr. Vidallon concluded the presentation making several comments regarding year-end projections. He stated that the District has now received \$500,000 CARES funding reimbursement from the Pierce County and has a commitment from the county for another \$700,000 to assist with unemployment costs. Revenue projection loss through the end of 2020 is \$4.6M with a projected reduction savings of \$4.8M. It was noted by staff that fund balance or reserves have not been used at this point. Board conversation ensued relative to end of year balance and how it relates to staffing.

Mr. Sylvia noted it will continue to take a lot of work in the last quarter to keep the budget balanced as their still remains many uncertainties related to both sales and property taxes.

REGULAR MEETING

The regular meeting of the Metropolitan Park District Board of Park Commissioners was called to order by Commissioner Reid at 6:00 p.m.

SPECIAL PRESENTATIONS

Employee Retiree Recognition

Rich Johnson was honored by the Board and staff on the occasion of his retirement after 51 years with the Point Defiance Zoo and Aquarium.

PRESIDENTS REPORT

President Reid urged the community to continue wearing masks, practicing social distancing and recreating responsibility in parks.

STANDING COMMITTEE AND COUNCIL REPORTS None

EXECUTIVE DIRECTOR’S REPORT

Executive Director, Shon Sylvia commented on the following:

- Fort Nisqually Foundation will be hosting an online auction in October. Bid on items made by Fort volunteers, like blacksmith John Simpkins, and many others. The link for the online auction will be announced soon.
- Upcoming Planning Commission hearing next week on October 7th regarding the proposal to change the land use designation change for Heidelberg Sports Complex. This public hearing is the next step in the City’s docketing process, which occurs annually to allow the Planning Commission and City Council to consider changes to the Comprehensive Plan.

COMMUNITY COMMENTS

A written comment was submitted by the Hilltop Equity Access Committee regarding the District’s lack of response to a letter submitted to staff last month.

MINUTES OF THE SEPTEMBER 14, 2020 REGULAR BOARD MEETING

Commissioner Pointer moved to adopt the minutes as presented; seconded by Commissioner Hanberg and passed on a vote of 5-0.

CONSENT AGENDA None

PURCHASING RESOLUTIONS None

PUBLIC WORKS PURCHASING RESOLUTIONS None

SINGLE READING RESOLUTIONS

RESOLUTION NO. R42-20: WSDOT INTERLOCAL COOPERATION AGREEMENT-TACOMA TO PUYALLUP REGIONAL TRAIL CONNECTION ROUTE ANALYSIS STUDY

Commissioner Pointer moved adoption of the resolution; seconded by Commissioner Hanberg. Marty Stump commented that this resolution authorizes the appropriation of up to \$20,000.00 from the 2014 UTGO Bond Funds Trails and Pedestrian System Partnerships for the Tacoma to Puyallup Regional Trail Connection Route Analysis led by WSDOT and in partnership with WSDOT, Metro Parks Tacoma, the Puyallup Tribe of Indians, the cities of Fife, Puyallup, and Tacoma, and Pierce County. This resolution would also authorize the Executive Director to enter into the necessary agreements with WSDOT.

Mr. Stump reported that the route analysis evaluated three options for the new trail including: Levee Road, River Road and SR 167. The group is recommending moving forward with the SR167 new alignment option.

Commissioner Hanberg commented that he is excited to see this trail move forward in the future.

Commissioner Smith asked for additional information regarding the funding contributions from the other partners.

Being no additional comments the question was called and the resolution passed on a vote of 5-0.

SECOND READINGS RESOLUTIONS None

FIRST READING RESOLUTIONS

RESOLUTION NO. RR43-20: SURPLUSING AND CONVEYING CERTAIN REAL PROPERTY AT TITLOW PARK TO THE CITY FOR THE CONSTRUCTION OF A PEDESTRIAN RAIL CROSSING

Commissioner Pointer moved adoption of the resolution; seconded by Commissioner Hanberg.

Marty Stump commented that this is a public safety improvement, City of Tacoma has designed and is prepared to construct certain pedestrian railroad crossing improvements and new ingress/egress into an abutting parking lot owned by Burlington Northern Railroad and adjacent to Titlow Park. Mr. Stump stated that in order to construct the pedestrian improvements, the City must acquire from Metro Parks a portion of Titlow Park located in the western corner of the Park consisting of 643 square feet. Mr. Stump noted that Metro Parks staff has collaborated with the City of Tacoma throughout the design of these improvements to ensure that maintenance and emergency access is maintained through the project area once the project has been completed, and that the improvements do not have an adverse impact upon public access and enjoyment to the waterfront area.

Staff also commented that Metro Parks would receive from the City of Tacoma the value of the pedestrian improvement Property as determined by an appraisal dated January 17, 2020 and performed by a Washington State certified appraiser, who determined the value to be \$22,900.00.

Being no additional comments the resolution was moved to second reading at the October 12th Board meeting.

RESOLUTION NO. RR44-20: ADOPTING DISTRICT FAMILIES FIRST CORONAVIRUS RESPONSE ACT POLICY

Commissioner Pointer moved adoption of the resolution; seconded by Commissioner Hanberg.

Hunter George commented that a draft of this policy was introduced to the Board during new business at the September 12th Board Meeting. Mr. George stated the policy would ensure the District is in alignment with Federal law.

Mr. George stated that the policy expands existing Family Medical Leave Act (FMLA) coverage to provide up to 12 weeks of partially-paid Public Health Emergency Leave (PHEL/FMLA) for eligible employees who are forced to miss work due to closure of their child’s school or the unavailability of the childcare provider for reasons related to COVID-19. Employees may elect to supplement the mandated partial benefit (paid by Metro Parks Tacoma) with their accrued leave to make them whole.

The policy also provides up to 10 days of Emergency Paid Sick Leave (EPSL) for reasons related to COVID-19, including if the employee is experiencing symptoms, to care for eligible individuals who is in isolation or quarantine, and to care for a child. EPSL is also paid by Metro Parks Tacoma.

Being no additional comments the resolution was moved to second reading at the October 12th Board meeting.

UNFINISHED BUSINESS None

NEW BUSINESS None

BOARD COMMENTS

Commissioner Pointer acknowledged to recent passing and contributions of former Mayor Harold Moss.

ADJOURN:

Being no further business, the meeting was adjourned at 6:30 p.m.

APPROVED:

President

Clerk

Submitted by: Jennifer Bowman, Board Secretary

METROPOLITAN PARK DISTRICT OF TACOMA

RESOLUTION NO. C45-20

APPROVAL OF WARRANTS CLAIM FUND FOR SEPTEMBER 2020

WHEREAS, the Board of Park Commissioners approved, appropriated and adopted the 2019-2020 Biennial Budget in Resolution No. RR92-18, dated December 10, 2018 to meet public expenses, bond retirement, interest and operational expenses for the biennium ending December 31, 2020; and

WHEREAS, the Board of Park Commissioners has authorized the Executive Director to establish procedures to meet the fiscal year public debt, to maintain accountable records of all transactions, and to provide certification that labor and debt claims have been met; now, therefore, be it

RESOLVED by the Board of Park Commissioners of the Metropolitan Park District of Tacoma that the warrants issued to meet obligations in the Warrants Claim Fund and the Disbursements by Funds in the amounts and for the period indicated on Attachment "A" have been audited and certified by the auditing officer as required by RCW .42.24.080 and those expense reimbursement claims certified as required by RCW 42.24.090, be approved for payment.

The foregoing resolution was adopted by the Board of Park Commissioners of the Metropolitan Park District of Tacoma at a regular meeting held on _____, 2020.

ATTEST:

President

Secretary

Clerk

BLANKET CERTIFICATION AND WARRANT APPROVAL FORM

AUDITOR'S CERTIFICATION

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

FOR THE PERIOD STARTING SEPTEMBER 1, 2020 AND ENDING SEPTEMBER 30, 2020.

WARRANTS CLAIM FUND

ACCOUNTS PAYABLE CLAIMS FUND:


Warrant Serial Numbers 332634 to 332890 AMOUNT: \$4,552,924.32

PAYROLL CLAIMS FUND:

Warrant Serial Numbers 053132 to 053173 AMOUNT: \$31,005.36

(Most employees receive payment through direct deposit advices, which are paid to the bank through the Accounts Payable Claims Fund.)

TOTAL \$4,583,929.68



Finance and Accounting Auditing Officer
Metropolitan Park District of Tacoma

- Warrant summary reports are available with the board secretary.
- Detail reports and claim vouchers are available in the Finance and Administrative Services Office.



MEMORANDUM

TO: Board of Park Commissioners

THROUGH: Shon Sylvia, Executive Director

FROM: Debbie Terwilleger, Director of Planning & Development

SUBJECT: Surplusing and Conveying Real Property at Titlow Park to the City of Tacoma for the Construction of Railroad Safety Improvements

DATE: September 23, 2020

EXECUTIVE SUMMARY: This resolution authorizes the surplus of 643 square feet of park property to the City of Tacoma in order to facilitate the construction and ongoing maintenance of pedestrian railroad crossing improvements at the terminus of 6th Avenue at Titlow Park. This resolution would also authorize the Executive Director to enter into the necessary agreements with the City of Tacoma.

CAPITAL IMPROVEMENT COMMITTEE RECOMMENDATION: This resolution was reviewed by the Capital Improvement Committee at their meeting on Wednesday, September 16, 2020 with a recommendation to forward the action on to the full Board for approval.

BACKGROUND: The Metropolitan Park District of Tacoma (“Metro Parks”) is the owner of Titlow Park, consisting of approximately 75 acres of real property and improvements located at the base of 6th Avenue and is bordered by 6th Avenue and Puget Sound and is bisected by the Burlington Northern Railroad railway tracks.

As a public safety improvement, City of Tacoma has designed and is prepared to construct certain pedestrian railroad crossing improvements and new ingress/egress into an abutting parking lot owned by Burlington Northern Railroad and adjacent to Titlow Park (the “Pedestrian Improvements”).

In order to construct the Pedestrian Improvements, the City must acquire from Metro Parks a portion of Titlow Park located in the western corner of the Park consisting of 643 square feet.

Metro Parks staff has collaborated with the City of Tacoma throughout the design of these improvements to ensure that maintenance and emergency access is maintained through the project area once the project has been completed, and that the improvements do not have an adverse

impact upon public access and enjoyment to the waterfront area. Likewise, efforts will be taken to minimize the impact upon public access to the waterfront during the construction process.

FISCAL IMPACT: Metro Parks shall receive from the City of Tacoma the value of the Pedestrian Improvement Property as determined by an appraisal dated January 17, 2020 and performed by a Washington State certified appraiser, who determined the value to be \$22,900.00.

ADDITIONAL INFORMATION: For additional information, please contact Debbie Terwilleger, Director of Planning & Development at (253) 305-1086 or debbiet@tacomaparks.com.

METROPOLITAN PARK DISTRICT OF TACOMA

RESOLUTION NO. RR43-20

SURPLUSING AND CONVEYING CERTAIN REAL PROPERTY AT TITLOW PARK TO THE CITY FOR THE CONSTRUCTION OF A PEDESTRIAN RAIL CROSSING

WHEREAS, the Metropolitan Park District of Tacoma (“Metro Parks”) is the owner of Titlow Park, consisting of approximately 75 acres of real property and improvements located at the base of 6th Avenue and is bordered by 6th Avenue and Puget Sound and is bisected by the Burlington Northern Railroad railway tracks, and

WHEREAS, the City of Tacoma has designed and is prepared to construct certain pedestrian railroad crossing improvements and new ingress/egress into an abutting parking lot owned by Burlington Northern Railroad and adjacent to Titlow Park (the “Pedestrian Improvements”), and

WHEREAS, in order to construct the Pedestrian Improvements, the City must acquire from Metro Parks a portion of Titlow Park located in the western corner of the Park consisting of 643 square feet as legally described on Exhibit “A” and depicted on Exhibit “B” (the “Pedestrian Improvement Property”), and

WHEREAS, the value of the Pedestrian Improvement Property was determined by an appraisal dated January 17, 2020 and performed by a Washington State certified appraiser, who determined the value to be \$22,900.00, and

WHEREAS, in order for the City to acquire the Pedestrian Improvement Property, it must either condemn the property or seek Metro Parks’ consent to transfer the property, and

WHEREAS, it would be in the best interests of Metro Parks that the Pedestrian Improvements be constructed, which would be a benefit to the Titlow Park users, and

WHEREAS, Chapter 39.33 RCW (Intergovernmental Disposition of Property) permits local government units to transfer or exchange title to real property on such terms and conditions as may be mutually agreed upon;

Now, therefore be it resolved

RESOLVED by unanimous vote of the Board of Park Commissioners of the Metropolitan Park District of Tacoma that the Pedestrian Improvement Property is declared surplus and shall be transferred to the City of Tacoma in accordance with Chapter 39.33 RCW in exchange for payment of \$22,900. It is

FURTHER RESOLVED by unanimous vote of the Board of Park Commissioners of the Metropolitan Park District of Tacoma that the Executive Director is hereby authorized to execute

such documents as necessary to effect the transfer of the Pedestrian Improvement Property to the City of Tacoma.

The foregoing resolution was adopted by the Board of Park Commissioners of the Metropolitan Park District of Tacoma at a regular meeting held on _____, 2020.

ATTEST:

President

Secretary

Clerk

EXHIBIT A
Legal Description of Pedestrian Easement Area

EXHIBIT "A"

LEGAL DESCRIPTION

THAT PORTION OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 4, TOWNSHIP 20 NORTH, RANGE 2 EAST OF WILLAMETTE MERIDIAN, PIERCE COUNTY, WASHINGTON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A BRASS DISK WITHIN A CASED MONUMENT MARKING THE INTERSECTION OF SIXTH AVENUE AND WALTERS ROAD FROM WHICH ANOTHER 3-INCH DIAMETER SURFACE BRASS DISK STAMPED 'PIERCE COUNTY DEPT. OF PUBLIC WORKS' BEARS NORTH 73°48'13" WEST A DISTANCE OF 285.75 FEET;

THENCE NORTH 73°48'13" WEST A DISTANCE OF 153.15 FEET;

THENCE NORTH 16°11'47" EAST A DISTANCE OF 1.73 FEET TO A POINT MARKING THE INTERSECTION OF THE NORTHERLY MARGIN OF SAID SIXTH AVENUE AND THE EASTERLY MARGIN OF THE BURLINGTON NORTHERN SANTE FE RAILROAD RIGHT OF WAY, SAID POINT BEING THE **TRUE** POINT OF BEGINNING;

THENCE SOUTH 88°18'55" EAST ALONG SAID NORTHERLY MARGIN A DISTANCE OF 37.30 FEET;

THENCE DEPARTING SAID MARGIN NORTH 25°39'59" WEST A DISTANCE OF 38.79 FEET TO A POINT ON SAID EASTERLY MARGIN OF THE BURLINGTON NORTHERN SANTE FE RAILROAD RIGHT OF WAY FROM WHICH THE POINT OF BEGINNING BEARS SOUTH 31°09'19" WEST A DISTANCE OF 39.58 FEET;

THENCE SOUTH 31°09'19" WEST ALONG SAID EASTERLY MARGIN A DISTANCE OF 39.58 FEET TO THE POINT OF BEGINNING.

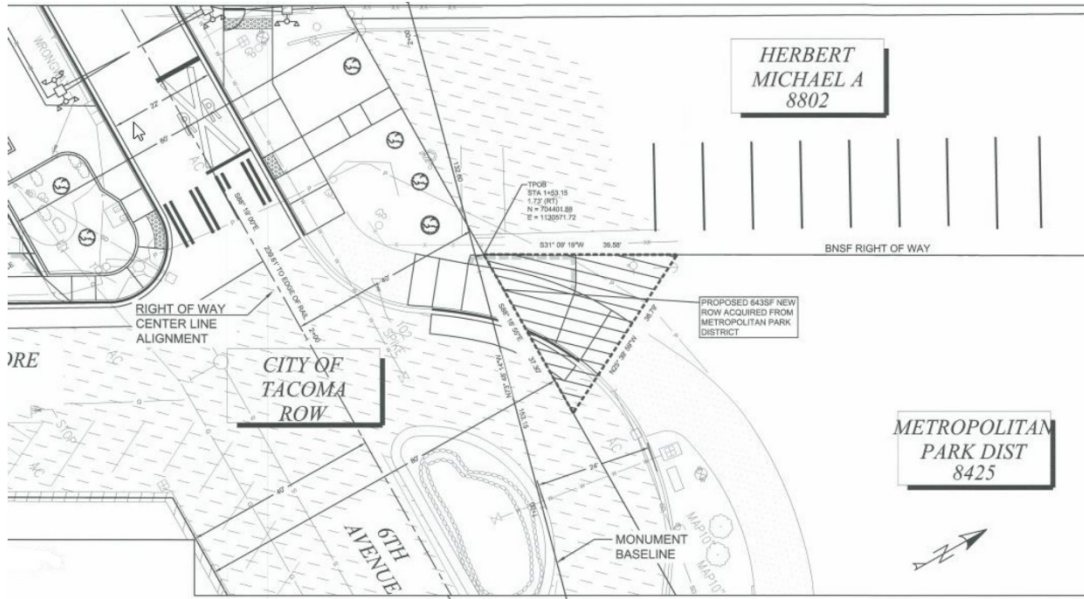
ALL SITUATE IN THE CITY OF TACOMA, COUNTY OF PIERCE, STATE OF WASHINGTON.

{CONTAINING 643± SQUARE FEET OR APPROXIMATELY 0.01 ACRES}

EXHIBIT B
Depiction of Pedestrian Easement Area

EXHIBIT "B"

MAP DEPICTION





MEMORANDUM

TO: Board of Park Commissioners

THROUGH: Shon Sylvia, Executive Director

FROM: Hunter George, Interim Chief Administrative Officer
Peter M. Mayer, Deputy Executive Director

**SUBJECT: Families First Coronavirus Response Act (FFCRA)
Policy (552.008)**

DATE: September 14, 2020

EXECUTIVE SUMMARY: The Families First Coronavirus Response Act, approved by Congress and the President in spring 2020 as the impacts of the pandemic grew, provides temporary protected leave and employer-paid leave benefits for absences arising from the COVID-19 outbreak. The District is strongly encouraged by its counsel at Summit Law to adopt a policy that implements the federal standards. MPT's Organizational Development and Human Resources (ODHR) team recommends adoption of this policy, which is endorsed by MPT's Executive Cabinet, legal counsel, and IUOE Local #302.

BACKGROUND: This policy will be administered in accordance with the FFCRA statute, regulations and evolving federal guidance. The employer-paid benefits are available retroactive to April 1, 2020.

The FFCRA provides for two categories of leave:

1. It expands existing Family Medical Leave Act (FMLA) coverage to provide up to 12 weeks of partially-paid Public Health Emergency Leave (PHEL/FMLA) for eligible employees who are forced to miss work due to closure of their child's school or the unavailability of the childcare provider for reasons related to COVID-19. Employees may elect to supplement the mandated partial benefit (paid by Metro Parks Tacoma) with their accrued leave to make them whole.
2. It also provides up to 10 days of Emergency Paid Sick Leave (EPSL) for reasons related to COVID-19, including if the employee is experiencing symptoms, to care for eligible individuals who is in isolation or quarantine, and to care for a child. EPSL is also paid by Metro Parks Tacoma.

This policy will be administered consistent with MPT's existing Family and Medical Leave (FMLA), except as modified by the FFCRA.

Per District Policy 000.001 Policy and Procedures of the Board of Park Commissioners, staff is prepared to present this policy to the Board of Park Commissioners via the following process: 1) New Business; 2) Committee of the Whole (optional); 3) First Reading; 4) Second Reading/Adoption.

Under the FFCRA, employees who have worked for MPT for at least 30 calendar days are eligible for PHEL/FMLA leave, and the usual eligibility requirements for FMLA (12 months of employment) do not apply. Full-time employees are eligible for up to 80 hours of EPSL, and part-time employees are entitled to EPSL equal to the number of hours they typically work during a two-week period. Any EPSL leave is available in addition to accrued leave already earned.

FISCAL IMPACT: This employer-paid leave is mandated by the federal government and applies to nearly every employee. It is impossible to predict how many employees will need to use either of these leave options, or for how long. Congress has not agreed to provide any financial relief for this mandate, so far. Each MPT Department will cover the cost of its employees utilizing this leave, just as they do with other forms of leave, including sick leave.

ADDITIONAL INFORMATION: Should you have questions or require additional information please contact Hunter George, Interim Chief Administrative Officer, at 253-686-9553 or hunterg@tacomaparks.com.

METROPOLITAN PARK DISTRICT OF TACOMA

RESOLUTION NO. RR44-20

ADOPTING DISTRICT FAMILIES FIRST CORONAVIRUS RESPONSE ACT POLICY

WHEREAS, the Board of Park Commissioners recognizes the importance of aligning district policy with Federal and State laws and regulations; and

WHEREAS, consistent with 000.001 Policy and Procedures of the Board of Park Commissioners, the Board retains authority to authorize, amend and repeal policies; and

WHEREAS, the United States Congress and President approved the Families First Coronavirus Response Act (FFCRA) to provide temporary protected leave and paid leave benefits for certain absences beginning April 1, 2020; and

WHEREAS, while Metro Parks Tacoma already provides paid sick leave to employees, the FFCRA expands eligibility and benefits in response to the COVID-19 pandemic; and

WHEREAS, the policy being brought forward has been thoroughly reviewed by staff, legal counsel, and the union steward in order to provide clear direction for application; and

WHEREAS, this policy will not compromise the quality of service or programs provided to the community, now, therefore be it,

RESOLVED that the Board of Park Commissioners of the Metropolitan Park District of Tacoma adopt Policy 552.008 Families First Coronavirus Response Act attached hereto.

The foregoing resolution was adopted by the Board of Commissioners of the Metropolitan Park District of Tacoma at a regular meeting held on _____, 2020.

ATTEST:

President

Secretary

Clerk

FAMILIES FIRST CORONAVIRUS RESPONSE ACT POLICY

Policy No.: 552.008	Resolution No.: RR44-20	Date Approved:		Supersedes the following Resolutions & Policies:
Date procedures adopted by the Executive Director:			Procedure revision date:	Procedures approved by the Executive Director:

POLICY: (Adopted by the Board of Park Commissioners)

Purpose: This policy provides temporary protected leave and paid leave benefits for certain absences arising from the COVID-19 outbreak in accordance with the federal Families First Coronavirus Response Act (FFCRA). The benefits available under this policy are available beginning on April 1, 2020. This policy will be administered in accordance with the FFCRA statute, regulations, and federal guidance. The FFCRA provides for two categories of leave. The first expands existing FMLA coverage to provide up to 12 weeks of partially-paid Public Health Emergency Leave (“PHEL/FMLA”) for eligible employees forced to miss work due to closure of their child’s school or the unavailability of the child’s childcare provider for reasons related to COVID-19. The second provides up to 10 days of Emergency Paid Sick Leave (“EPSL”) for various reasons related to the COVID-19 outbreak. Details regarding each category of leave are provided in the sections below.

Policy Requirements:
Section I.

Public Health Emergency Leave (PHEL/FMLA)

- A. **Eligibility.** Employees who have worked for Metro Parks Tacoma for at least 30 calendar days are eligible for PHEL/FMLA leave. An employee need not meet the eligibility requirements for regular FMLA (12 months of employment and 1250 hours worked in the prior year) to be eligible for PHEL/FMLA.
- B. **Leave Entitlement.** An eligible employee may take up to 12 weeks of protected leave if the employee is unable to work, or telework, based on a need to care for the employee’s child under age 18 because the child’s school or place of care has been closed, or the child’s child care provider is unavailable due to a public health emergency. A public health emergency means an emergency with respect to COVID-19 declared by a federal, state, or local authority. Per federal regulations, this leave is not available if another suitable individual is available to provide care. PHEL/FMLA may be taken intermittently only if approved by Metro Parks Tacoma. PHEL/FMLA is part of an employee’s regular FMLA leave entitlement. Accordingly, if an employee has already used FMLA for other purposes during the FMLA leave year, the amount of available PHEL/FMLA will be reduced by the amount of FMLA leave already taken. PHEL/FMLA leave will be available through December 31, 2020.
- C. **Partial Pay Entitlement.** The first 10 days of PHEL/FMLA will be unpaid, although employees may elect to use accrued leave or Emergency Sick Leave during this period. For leave beyond the first 10 days, Metro Parks Tacoma will pay two-thirds of the employee’s regular pay. Pay is calculated based on the number of hours an employee would otherwise have been scheduled to work. For employees with variable hours, hours will be determined based on the average number of hours scheduled over the six-month period preceding the leave (including paid leave hours) or on a reasonable expectation at the time of hire as to the hours per day the employee would normally be scheduled to work. Employees may elect to supplement the PHEL/FMLA paid benefit with their accrued leave.
- D. **Notification and Verification.**
 - 1. Employees who need to take PHEL/FMLA leave should notify Human Resources as soon as practicable after the need for leave arises. Under the law, an employee seeking PHEL/FMLA leave must provide the following:
 - a) the employee’s name;
 - b) the date(s) for which leave is requested;

- c) qualifying reasons for the leave;
 - d) the name of the child(ren) being cared for and ages; (if over age 14, a statement that special circumstances exist to require the employee to provide care)
 - e) the name of the school(s) or childcare provider(s) that has/have closed or become unavailable; and
 - f) a representation that no other suitable person will be caring for the child while PHEL-FMLA leave is being used.
- E. This policy will be administered consistent with Metro Parks Tacoma's existing Family and Medical Leave (FMLA) policy, except as modified by the FFCRA.

Section II

Emergency Paid Sick Leave

- A. **Eligibility.** All employees of Metro Parks Tacoma are eligible for up to 80 hours of Emergency Paid Sick Leave (EPSL). EPSL may be fully paid or partially paid, depending on the reason for taking leave (as follows).
- B. **Covered Reasons for Using EPSL:** Employees are entitled to use EPSL when they are unable to work, or telework, for any of the following reasons:
1. The employee is subject to a federal, state, or local quarantine or isolation order related to COVID-19. This includes a shelter-in-place or stay-at-home order issued by federal, state or local government if the order precludes the employee from working; an employee who is able to telework or who is not covered by the order (e.g., those performing essential services as defined by the applicable order) would not be eligible to take leave for this reason.
 2. The employee has been advised by a health care provider or Metro Parks Tacoma to self-quarantine due to concerns related to COVID-19.
 3. The employee is experiencing symptoms of COVID-19 and is seeking a medical diagnosis.
 4. To care for an individual who is self-isolating for one of the reasons described in (1) or (2) above. The individual needing care must be the employee's immediate family member, a person who regularly resides in the employee's home, or a similar person with whom the employee has a relationship that creates an expectation that the employee would care for the person if he or she were quarantined or self-quarantined.
 5. To care for the employee's child under age 18 due to closure of the child's school or unavailability of the child's childcare provider due to COVID-19 precautions. A "child" is defined the same as under the FMLA; *i.e.*, a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis who is either under 18 years of age or is 18 years of age or older and "incapable of self-care because of a mental or physical disability" at the time leave is to commence.
 6. The employee is experiencing any other substantially similar condition specified by the Secretary of Health and Human Services in consultation with the Secretary of the Treasury and the Secretary of Labor.
- C. **Paid Leave Entitlement.** Full-time employees are entitled to up to 80 hours of EPSL Leave. Part-time employees are entitled to EPSL equal to number of hours they typically work over a two-week period. For employees with variable hours, hours will be determined based on the average number of hours scheduled over the six-month period preceding the leave (including paid leave hours) or on a reasonable expectation at the time of hire as to the hours per day the employee would normally be scheduled to work. Any EPSL Leave available under this policy is in addition to accrued leave to which an employee was already entitled under existing Metro Parks Tacoma policies or labor agreements.
- D. **Reduced Benefit for Certain Leaves; Cap on Sick Leave Amount.** Where EPSL is taken for reasons (1), (2), or (3) above (which cover leave due to the employee's own health or quarantine), the paid sick leave benefit is equal to the employee's regular rate of pay for the missed work time, provided that EPSL is capped at \$511 per day and \$5,110 in the aggregate when leave is taken for these reasons. Where leave is taken for reasons (4), (5), or (6) above (to care for another, to care for a child due to a school closure or unavailability of childcare, or where the employee is experiencing a substantially similar condition), the paid sick leave benefit is two-thirds of the employee's regular rate of pay, provided that EPSL is capped at \$200 per day and \$2,000 in the aggregate when leave is taken for one of these reasons. When utilizing the leave for reasons (4), (5), or (6) employees may elect to supplement the EPSL paid benefit with their accrued leave.

- E. **Use of Paid Sick Leave; Sequencing with Other Leave; Intermittent Use.** Employees may access EPSL for a covered reason before exhausting other accrued leaves. If an absence is covered by this Emergency Paid Sick Leave policy and the PHEL/FMLA policy above, the employee may elect to use EPSL during the first 10 days of PHEL/FMLA in order to remain in paid status. If an employee is using EPSL intermittently due to a closure of a child's school or unavailability of the childcare provider, the employee may take leave intermittently only with the Metro Parks Tacoma's approval. An employee may also use EPSL intermittently with Metro Parks Tacoma's approval if unable to telework his/her normal schedule of hours due to a qualifying reason (for example, if an employee can telework in the morning, but needs to care for a child in the afternoon due to a school closure). Per federal regulations, where an employee is not teleworking, intermittent use of EPSL is not permitted when leave is taken for reasons (1), (2), (3), (4), or (6) above. In such cases, Emergency Sick Leave must be taken in full-day increments and once leave is initiated for one of these reasons, the employee must continue to use EPSL until either (i) the full amount of EPSL has been used; or (ii) the employee no longer has a qualifying reason for taking EPSL. The Department of Labor has explained that this requirement is imposed because if an employee is actually or possibly sick with COVID-19, or is caring for someone who is sick or possibly sick with COVID-19, the intent of the law is to provide paid leave to prevent the spread of the virus.
- F. **Carryover; Termination of Benefit.** The EPSL benefit expires on December 31, 2020; any unused EPSL will not be carried over to the next calendar year or merged into other leave banks. Additionally, the entitlement to EPSL ceases beginning with the employee's next scheduled work shift immediately following the termination of the need for paid sick leave. However, to the extent an employee subsequently needed additional time off for another covered reason prior to December 31, 2020, the employee could use any remaining EPSL.
- G. **Notification.** An employee who needs to take EPSL should notify their supervisor as soon as practicable. After the first workday (or portion thereof) that an employee takes EPSL, the employee must follow the notice requirements required for use of regular sick leave.
- H. **Verification.** An employee requesting EPSL must: specify the qualifying reason for requesting leave; state that the employee is unable to work or telework, for that specified reason; and provide the date(s) for which leave is requested. Depending on the type of leave taken, the employee must provide the following additional information to substantiate the leave request:
1. Where leave is taken due to the recommendation of a health care provider to self-quarantine, the name of the health care provider making the recommendation; or
 2. Where leave is taken due to a school closure or unavailability of a childcare provider: (1) the name of the child(ren) being cared for; (2) the name of the school(s) or childcare provider(s) that has/have closed or become unavailable; and (3) a representation that no other suitable person will be caring for the child while EPSL is being used.