

MINUTES—Regular Meeting
CHUCKANUT COMMUNITY FOREST PARK DISTRICT
Wednesday, March 28, 2018
Fairhaven Branch, Bellingham Public Library
1117 12th St, Bellingham, WA
Fireplace Room 6:00 to 8:00 PM
Mailing Address: PO Box 4283, Bellingham, WA 98227

Our Mission: The mission of the Chuckanut Community Forest Park District is to ensure the entirety of the property is protected in perpetuity in public ownership, with respect for its ecological, recreational, and educational functions and to serve as a fiscal mechanism through which the district, via a tax levy, will repay the City of Bellingham for the Greenways Endowment Fund loan.

Call to order: At 6:01 PM President V. Biciunas called the meeting to order.

Roll Call: Susan Kaun, John McLaughlin, Frank James (excused), John Hymas (Clerk), Vince Biciunas (President).

Introductions: Those acknowledged included CCFPD legal counsel Bob Carmichael, board secretary Diane Birsner, and guests Delight Newlight, John Blethen, John Brown, Michael Chiavario, Charlotte Waller, and Michael Plummer.

Motion: S. Kaun moved to approve today's meeting agenda. J. Hymas seconded. Vote was 4-0 to approve as amended.

Motion: S. Kaun moved to approve the Feb. 28, 2018 meeting minutes. J. McLaughlin seconded. Vote was 4-0 to approve.

Public Comment: There were no public comments.

Report: J. Hymas reported on the March 2018 Park Advisory Board meeting. On matters regarding the CCFPD, Hymas updated the advisory board about the decision on the *Ferlin et al.* lawsuit. Leslie Bryson added that the City of Bellingham also incurred expenses in the course of the lawsuit. Hymas introduced J. Blethen as a potential liaison between the Park Advisory board and CCFPD, pending approval from the parks commission.

Report: B. Carmichael and J. McLaughlin provided an update on the conservation easement amendment. On March 27, 2018, Carmichael, McLaughlin, Alan Marriner, and Steve Nordeen and Phil of the parks department made a site visit to the CCF. McLaughlin confirmed the difference in perceptions between Marriner and himself, regarding the disturbance of trails, vegetation loss, soil compaction, and an opening of the forest from the time the easement was first written to the present. The group noticed that an unauthorized trail had been blocked off, presumably by neighbors and stewards. The Parks representatives noted this could be a model for dealing with rogue trail building. McLaughlin took the group to a recent disturbance that includes bike jumps and trails. None of the parks representatives have seen this disturbance and it's not on the conservation

easement map. The group then wanted to see encampments and other illegal trails and structures on the north end of the park. They found one substantial foundation (excavation), and the presence of other encampments that did not appear to be currently occupied. The group then visited the site of the proposed quarry bike jump. Along the way they came upon a large, locked metal box. No one knew of its purpose. M. Chiavario, who was present at this meeting, said that the box stores trail restoration tools used by the volunteers this past summer. J. Hymas offered to tell S. Nordeen about the box's contents. Carmichael spoke with Marriner about the Parks' next moves. Marriner said he will contact L. Bryson, and assumes Parks will want to remove the bike jump, fill in the excavation, and remove the storage box unless Parks wants to leave it. Marriner will also figure out who is responsible for blocking the illegal trails, citing that action as an enforcement solution. V. Biciunas asked where the conservation easement amendment now stands with Parks. Carmichael concluded that Parks Dept. disagrees with the CCFPD board about how to proceed with the amendment. McLaughlin replied that one purpose of this site visit was to demonstrate the CCFPD's need to embed enforceability of present and future negative impacts into the amendment. McLaughlin stated that at this point in time it looks like Parks may prefer to focus on cultivating volunteers to block off unauthorized trails, and hold off the conservation easement amendment issue until the CCFPD's Master Plan is in place. M. Chiavario added that in his meeting a year and a half ago with representatives of the Whatcom Mountain Bike Coalition (WMBC) and the Parks Department (L. Bryson and N. Oliver), Parks seemed very much on board with the idea of creating a bike jump in the quarry. Chiavario expressed his dismay that the Parks employees who recently visited the park along with their legal representative apparently hold differing views on the proposed quarry with Bryson and Oliver. He fears this may discourage the WMBC. Biciunas asked the board how it should direct Carmichael to proceed with the conservation easement amendment. J. Hymas suggested that the two opposing groups within the Parks Department meet to decide the direction they want to take. Carmichael added that he doesn't think Marriner will approve the CCFPD's draft amendment as, according to Marriner's original objection, the amendment implies that Parks hasn't been adequately enforcing the existing conservation easement, which the board feels is correct. Carmichael said that the department is understaffed, and the latest illegal bike jumps is well hidden. Carmichael concluded that the more fundamental issue is a perception difference between Parks Dept and CCFPD about the city's depth of easement enforcement. J. Hymas said that most city ordinances are complaint-driven. S. Kaun said she has seen rapid responses by the city on other violations, and suggested that maybe CCFPD should be complaint-driven. Carmichael added that hopefully CCFPD will entrust the Whatcom Land Trust (WLT) with the conservation easement. Now that the lawsuit is settled, Carmichael advised the board begin a dialogue with the WLT on this topic. Carmichael also suggested the board table the conservation easement amendment issue until next month's meeting to give Parks Department a chance to discuss their findings among themselves. McLaughlin queried, based on Carmichael's concern of a lack of easement enforceability, that if CCFPD expedited a quarry bike jump area and relied on utilizing volunteers to block off

rogue trails and affect some trail restoration, how would that affect the transfer of the easement to the WLT? Carmichael replied it would have to be up to the WLT. The WLT would function as steward to the CCF, and ultimately it would be up to Parks to enforce the easement and make reparations. Biciunas closed the discussion by reiterating that CCFPD will take it up again next month to give Parks a chance to communicate their decision to the board.

Monthly expenses and cash flow sheets: Submitted by D. Birsner, board secretary, and J. Hymas, Clerk.

Treasurer's Report: The Whatcom Co. Treasurer's Monthly Report for Feb. 28, 2018, beginning unencumbered cash balance was \$156,980.22, ending unencumbered cash balance was 142,647.31.

Petty Cash: Heritage Bank account balance as of 2/28/18 is \$2,868.40.

Update: J. Hymas discussed the possibility of moving the petty cash account to Whatcom Educational Credit Union (WECU) in lieu of Heritage Bank's upcoming June 2018 closing of their Fairhaven branch and moving CCFPD's account and safe deposit box to the York neighborhood. Biciunas said she's not in favor of the move, given the amount of time left before the board disbands once the Master Plan is completed and the loan's repaid. S. Kaun asked if Hymas currently goes to the bank; Hymas replied in the affirmative. J. McLaughlin asked if moving to WECU would make Hymas' job easier and Hymas said it would. Birsner added that Heritage Bank now charges our account a \$5.00/month fee for generating paper bank statements, which we need to submit for our biennial state audit. S. Kaun asked Hymas to inquire about WECU's policy of paper bank statements. Hymas will investigate and report to the board next month.

Motion: V. Biciunas asked for a motion to remove our former Clerk, John Brown, as a signatory to the Heritage Bank checking account, replacing him with J. Hymas, our current Clerk. S. Kaun so moved, and J. Hymas seconded. Vote was 4-0 to approve.

Report: D. Birsner. Legal defense costs are as follows:

2015: \$41,108.50

2016: \$40,915.15

2017: \$22,840.36

2018: \$1,414.00

Total costs to date: \$106,278.01

Discussion: D. Birsner. New survey from U.S. Census Bureau. This one is the 2018 Annual Survey of Public Employment & Payroll. Birsner stated she completed this survey online.

Reminder: D. Birsner. The Public Disclosure Commission's F-1 or F-1A forms are due April 15, 2018. S. Kaun clarified that every 4th year the commissioners need

to complete the longer F-1 report, and that the shorter F-1A form is good for 3 out of 4 years. Biciunas and Kaun stated they have completed their forms.

Next meeting: Wed. Apr. 25, 2018, Fairhaven Library, Fireplace Rm., 6:00 PM.

Motion: J. McLaughlin moved to approve the District Payroll Input Form, wages for Diane Birsner, 18.25 hours in February 2018, total gross of \$456.25. J. Hymas seconded. Vote was 3-0 to approve, with S. Kaun excused for the duration of the meeting.

Consent Agenda: J. McLaughlin moved to approve the following payment. J. Hymas seconded. Vote was 3-0 to approve.
Payment on the Feb. 15, 2018 Invoice # 82910 to Carmichael Clark PS for \$1,212.50 for general legal services.

Report: The *Ferlin et al.* lawsuit is settled.

Motion: The board and counsel agreed not to adjourn to Executive Session.

Old or New Business.

Michael Plummer expressed his concerns about the health of the CCF, specifically the lack of enforcement of the dogs on leash law that's in effect in the park. Trails built over marshy areas was another issue. Plummer asked if any of the money that the county collects in taxes goes to park maintenance and enforcement. Biciunas replied that all the money received goes to loan repayment, and that the City Parks Department is tasked with maintaining the park and enforcing its laws. Plummer also expressed a concern about Parks overbuilding their trails (e.g., trail width and amount of gravel used), and hopes the board asks the city for more natural and narrower trails. Carmichael agreed that the issue of unleashed dogs is an ongoing concern. Carmichael added that some of the trails intersect with the divide between Chuckanut and Padden creeks, and there should be a boardwalk as well as signage to identify this divide. Other trails also go through marshes, and hopefully the Master Plan will address the community's recreational desires along with the park's conservation needs. The Master Plan development will give the community the opportunity to voice their concerns and wishes. Biciunas also suggested that Plummer discuss his concerns with L. Bryson. It was agreed that the current "dogs must be on leash" sign posted at the park's entrance is not an effective deterrent. J. Blethen suggested that Plummer talk with Renee LaCroix in the public works department about trail width and wetlands.

V. Biciunas asked the board and guests to mark their calendars for **Saturday June 2**, when community members will host a community-wide celebration of the CCF at the Chuckanut Community Center in Fairhaven Park. It will be partly sponsored by the Parks Department. There will be music and signage, Biciunas said.

V. Biciunas addressed how to initiate a communication with the WLT about taking over the conservation easement. Carmichael suggested Biciunas, as President, write the letter, invite them to the April 25 meeting, and ask them for next steps.

Motion: J. Hymas moved to authorize Biciunas to correspond with WLT. J. McLaughlin seconded. Vote was 3-0 to approve.

V. Biciunas asked if the policy change that ceased the use of the building for after hours meetings at the downtown library affected our use of the Fairhaven branch. Birsner replied she hasn't heard from the Fairhaven branch that CCFPD's use will change.

M. Chiavario wanted to relay Char Waller's suggestion, that if nothing is heard from Parks Department by our April 25 meeting, a meeting be called that will include all stakeholders, including L. Bryson, N. Oliver, B. Carmichael, A. Marriner, CCFPD commissioners, M. Chiavario and C. Waller (WMBC), to decide what to do with the conservation easement amendment.

Adjourn. Time: 7:13 PM.

APPROVED