

MINUTES—Regular Meeting
CHUCKANUT COMMUNITY FOREST PARK DISTRICT
Wednesday, September 26, 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: President V. Biciunas called the meeting to order at 6:05 PM.

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

Introductions: Guests included John Brown, John Blethen, and Michael Chiavario.

Motion: J. Hymas moved to approve today's meeting agenda. J. McLaughlin seconded. Vote was 3-0 to approve as amended.

Motion: J. Hymas moved to approve the August 22, 2018 meeting minutes. J. McLaughlin seconded. Vote was 3-0 to approve.

Public Comment: No public comments.

Report: On the September 2018 Parks Advisory Board meeting. J. Hymas reported that nothing specifically pertained to CCF. J. Blethen concurred. Blethen added that the Parks board has interest in illegal trails, citywide, and is trying to address that. J. McLaughlin stated that in CCF there are no "official" trails and asked, in reference to Whatcom Falls Park, if illegal trails there had to do with inadequate signage. Blethen replied that the trails are relatively well marked, so it may have more to do with the heavy use of the park and that folks want to explore, and that closing trails and better signage (citywide) might solve that problem. Biciunas added education of the public would help, too. Biciunas also stressed the importance of asking Park board members to press the department to develop a master plan for the CCF as soon as possible. McLaughlin said that developing a trail plan is on his fall course agenda, and Biciunas invited his students to present their results again this year. Blethen said he'd be happy to take it to the Parks board. Hymas suggested the CCFPD board present McLaughlin's students' recommendations for the CCF park at a Parks Board meeting.

Report: Update from legal counsel, B. Carmichael, on the proposed draft document for the transfer of the conservation easement. Carmichael said this is a first draft, and that it would have to be negotiated with whoever agrees to accept

assignment of the easement. Hymas asked if the draft addresses the issue of lack of enforcement. Carmichael said it does not; enforcement and who would take that on, that is a separate issue. The assumption is that once the park district dissolves, there is no one to oversee the entity that takes assignment. The assignee would be watching the city, not the other way around. Carmichael also sent to the board a memorandum outlining the legal criteria (RCWs and federal codes) that an entity would have to meet in order to take assignment. Discussion: McLaughlin sought clarification with regard to oversight and asked if the assignee would take the place of the park district's current role of overseeing the park. Carmichael agreed. McLaughlin added that therefore the park district would not be placed in the position of overseeing the overseer. Carmichael again agreed, stating this is not included in the draft easement transfer. McLaughlin had a question about the terms under which the city could unilaterally terminate the conservation easement. Carmichael listed those terms, as stated in the present easement. One is if the park district failed to pay off the loan. Another is if the park district took on long-term debt, e.g., for the purpose of acquiring more park property. McLaughlin asked if these conditions would transfer to the entity. Carmichael replied that if the district assigned the easement to an entity, and then acted on either of the above terms, the city could terminate the easement. But once the debt is paid and the park district is dissolved, there would be no risks to the conservation easement and it would be held in perpetuity. Biciunas had another question: does the park district have any legal standing to ask the proposed entity to check on the property more than once/year? Carmichael said that oversight could be negotiated in the easement transfer. This first draft is "bare bones," said Carmichael, and it is up to the board to decide what it wants to include in the transfer agreement. Carmichael added that the board will also want to discuss when the transfer should take place, e.g., before/after the debt's paid off, or before/after the park's Master Plan is completed. McLaughlin's last question was regarding the possible cost to the entity to help pay for monitoring the park. Carmichael said that Rich Bowers of the Whatcom Land Trust said it would ask the City for those funds.

Discussion: V. Biciunas suggested the board invite County Treasurer Steve Oliver and City Finance Director Brian Henshaw to present to the board their status report of our cumulative debt balance. She thought that perhaps after the first of 2019, after they've completed their reconciliations through 2018. The board and legal counsel thought this is a great idea. Biciunas will communicate with Oliver and Henshaw.

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

Treasurer's Report: The Whatcom Co. Treasurer's Monthly Report for August 2018. August's beginning unencumbered cash balance was \$155,253.38, and ending unencumbered cash balance was \$156,559.30.

Petty Cash: J. Hymas. WECU'S balance as of 08/31/18 was \$1000.03 in savings and \$1599.66 in checking.

Next meeting: Wed. Oct. 24, 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 for period ending August 31, 2018, for \$456.25. J. Hymas seconded. Vote was 3-0 to approve.

Consent Agenda: J. McLaughlin moved to approve the following payment. J. Hymas seconded. Vote was 3-0 to approve.

Payment on the August 15, 2018 Invoice # 84722 to Carmichael Clark PS for \$678.00 for general legal services.

Old or New Business:

D. Birsner, regarding Michael Plummer's email expressing concern for additional recent trail violations in the park. Birsner had forwarded Plummer's email to the board and legal for discussion. Carmichael reminded the board that it has the legal right to report all violations to the city and request enforcement. McLaughlin offered to contact the city about Plummer's complaints, and Biciunas will notify Plummer that his concerns will be forwarded to the city.

Carmichael reported that he queried City Parks attorney, A. Marriner, about the status of the bike jumps removal. Marriner communicated to Carmichael about a week ago, confirming that the bike jumps have been removed. McLaughlin will conduct an inspection of the bike jumps removal as well as the site of Plummer's complaints.

Carmichael reminded the board that the draft 2019 budget needs to be reviewed at the Oct. 24 meeting, for the subsequent public hearing of the 2019 levy resolution and budget, and adoption by the board at the November 2018 meeting. D. Birsner will draft the 2019 budget, and present it as well as the current 2018 budget for review at the October meeting.

Adjourn. Time: 6:41 PM.