

MINUTES — Regular Meeting
CHUCKANUT COMMUNITY FOREST PARK DISTRICT
Wednesday, April 22, 2020 at 6 PM
Online Meeting Through Zoom
Mailing Address: PO Box 4283, Bellingham, WA 98227

Official email addresses for Commissioners, where public may send comments (subject to public disclosure):

John Hymas jhymas1331@gmail.com
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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: Frank James. Welcome Commissioners and Citizens. Per Chapter 42.30 RCW (Open Public Meetings Act), CCFPD board meetings are open to the public. This meeting is being voice recorded. We are meeting electronically due to the Covid-19 Pandemic and the Governor's "Stay-at-Home" Proclamation and that is why we are having this meeting online.

Roll Call: Frank James (President), John Brown, and John McLaughlin are present. Hue Beattie will be attending shortly. As only three board members are needed for a quorum, it was decided to go ahead with the meeting.

Motion: Moved to approve agenda by John Brown, seconded by John McLaughlin. Approved by all present 3/0.

Introductions: Bob Carmichael, legal counsel, Robyn Albro, Secretary, and Vince Biciunas, former Board member, attended the meeting.

Monthly expenses and cash flow sheets.

Petty Cash: WECU Bank account balance as of 3/31/2020 was \$2,944.85.

Treasurer's Report: As of March 31, 2020, Whatcom Co. Treasurer's Monthly Report, beginning unencumbered cash balance (3/01) \$200,471.62, ending unencumbered cash balance (3/31) \$216,315.53.

Hue Beattie entered the meeting.

Motion: Moved by Hue Beattie and seconded by John R. Brown to approve District Payroll Input Form, wages for Robyn Albro, 31.25 hours in March 2020, total gross of \$781.25. All approved 4/0.

Motion: Moved by John R. Brown to approve the March 31 meeting minutes. Seconded by Hue Beattie. Approved by all present 4/0.

John McLaughlin had one correction to the February 26, 2020 meeting minutes, on page 4, line 6 students worked for NSEA. Motion to approve as corrected by John Brown. Hue Beattie seconded it. Minutes approved by all present 4/0.

Consent Agenda: Motion to approve following payment by John R. Brown and seconded by John McLaughlin. Approved by all present 4/0.

- Payment on the March 15, 2020, Invoice #90888 from Carmichael Clark PS for \$1,698.00, for regular professional services.

Old Business: We held one meeting electronically in March to approve bills.

In February it was decided to have Frank James and John McLaughlin meet with the mayor. John McLaughlin ran into the mayor after the Feb. meeting and mentioned the meeting, but obviously since the pandemic, that has not happened. The mayor was interested in meeting. Frank James suggested he and John might do a zoom or skype meeting with the mayor during this time.

New Business: We want to approve bills and review financial information.

Frank James reported there are some new signs in the CCFPD put up by the Parks Dept, and they have designated some areas as habitat restoration areas. Frank James was surprised that we had not heard about it. No one else had heard about this either. There is also some work being done to decommission trails. The sign talks about preventing erosion and allowing plants to re-establish themselves. It also says, "This forest area of Fairhaven Park is one of the most intact forest ecosystems in Bellingham." Frank James: They continue to refer to it as Fairhaven Park, which is somewhat disturbing. As neither John Hymas, liaison to Park Advisory Board, or John Blethen were present, Vince Biciunas suggested either someone call Nicole Oliver to find out what Parks is doing in CCFPD, or people can walk it more often, or talk to John Hymas or John Blethen. Frank James walks there most days. It is getting a large amount of use right now. Saw 30 people one day, in groups of two or three.

Frank James asked Bob Carmichael if there is anything we need to know or legal issues we should be respectful of.

Bob Carmichael: It is worth keeping in mind that part of the Governor's proclamation on Open Public Meetings was that the discussions and the subjects should be limited because public participation is limited to virtual meetings. The idea under the Open Public Meetings Act is that people can come in and be present, and because that is not possible, even though they can participate virtually, it is not the same access that exists otherwise. Local governments should limit items on the agenda to those that are necessary and routine. The proclamation did not define those terms, but an attorney general memorandum did (which is not technically a legal opinion) and it aligned with what Bob's thoughts are. Necessary items are those that are essential, that cannot be put off. Payroll and paying claims are necessary. Routine things are those that are procedural in nature and not out of the ordinary. When we start talking about plans to do things that are not part of the normal business operations, we get into things that are not routine. It is going to require the application of reasonable judgement. When deciding what things are necessary, are things that are required by court, statute, rule, or a contract requirement or on legal advice that there is something that should be dealt with, you can call that necessary. We are dealing with a restrictive set of subjects we can deal with. It is a case by case decision. To keep in mind for any matter on the agenda, it is more than taking any final actions, it is taking any actions, which includes discussions and deliberations. Approval of the minutes and discussion we have had so far related to that is fine. If we start getting into actual subjects, and discussing them, that invokes the Open Public Meetings Act, then we can only discuss those things that are necessary and routine. Approval of minutes and the financial requirements is okay. Talking about meeting with the mayor, which is something the board had already decided to do, is okay.

Frank James: What about talking to Nicole Oliver? Are we losing something by not doing that? If we need to do it now, Bob Carmichael supports it. Frank James suggested we do not need a motion to talk to Nicole Oliver and Bob Carmichael agreed. Frank said he would talk to her about what is currently happening in CCFPD and find out what the Parks intentions are and

what is happening with habitat restoration for certain areas. Bob Carmichael said that he has seen the Park doing other restoration work in other parks, such as Whatcom Falls Park.

Bill paying resolution report: Bob Carmichael reported on the bill paying resolution, but there was no discussion because it is not necessary or routine. It becomes complicated because we are dealing with another county entity. We need to do it the way the County wants us to do it. Have talked to Brad Bennet and Karen Thomas, and they have not told us the same thing. There has to be a bonded board member to approve it. Right now, we have two bonded board members. In the past we had all five board members bonded. Frank James and John Hymas are each bonded at the \$50,000 level. It sounded like they wanted it to be approved by three board members. We could talk to the county about it just being one or two bonded commissioners. In the resolution, identify the nature of expenses being approved, which in our case would be payroll and Carmichael Clark expenses, and suggested that we put a dollar amount in the resolution.

John Brown: can we just not act on this at this time? Bob Carmichael: Yes, and we can wait and take it up when we can discuss more than just routine and necessary items in the future. We will defer it at this time.

Robyn Albro reported we have overpaid for bonding the last two years, due to the changes in bonding going from five people to two people last year. Robyn Albro is pursuing a refund with the insurance company.

Robyn Albro reported we are currently using zoom for meetings, but we need to subscribe to a plan to make it more available to everyone, because Zoom has changed their basic plan so that people cannot call in to meetings on a regular phone. It is required that we have telephone participation available. To do that, we need to subscribe to Zoom for the \$15 a month plan.

Hue Beattie moved that we spend the \$15 monthly fee for Zoom and get it for the next meeting. Seconded by John Brown. Qualifies as petty cash for now per Bob Carmichael. Approved by all present 4/0.

Vince Biciunas suggested that possibly in June and July we can meet in person with masks on so we may not need zoom forever. Bob Carmichael said masks are allowed in public meetings. Before we can have an in person, open public meeting, there needs to be new guidance from the Governor's office to that effect per Bob Carmichael.

Hue Beattie filed his F-1 report with the Public Disclosure Commission. He told them he found their process onerous. They said the process will be better next year. The deadline for filing was extended due to Covid-19.

Next meeting: Wednesday May 27th, 2020, Details to be announced before the meeting.
Adjourn. Time: 6:57 pm.