

**MINUTES — Regular Meeting**  
**CHUCKANUT COMMUNITY FOREST PARK DISTRICT**  
**Wednesday, January 27, 2021 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):

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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 video and voice recorded. Due to the Covid-19 outbreak and the Governor's "Stay At Home" Order, this meeting of the Chuckanut Community Forest Park District will be conducted online on Zoom.

**Roll Call:** Frank James, John Hymas, John Brown, and Hue Beattie. John McLaughlin arrived right after the public comment period.

**Motion:** Moved to approve agenda by Hue Beattie. Seconded by John Hymas. Approved 4/0.

**Introductions:** Bob Carmichael, legal counsel and Robyn Albro, secretary. Also attending Vince Biciunas and John Servais.

**Public Comment:** Please limit remarks to 3 minutes.

**John Servais:** In looking at the comments, I read the draft minutes from the last meeting everybody seems to give their cred as to why they were speaking. I am going to toss in my cred, normally I don't. In 1996 I was the first person to warn the community that the Chuckanut Forest was going to be cut down, bull dozed and a half a dozen tall apartment buildings were going to be built in it. That was the very first that the public knew about it and since then we have followed up on my website and over the years, we have had 61 articles that have been written about stopping development, getting control, and getting up to where we are at the present day. It has been a venue for other citizens. We have not always had agreement on it, but it has allowed for public discussion. I bring that forward because indeed my heart has always been in and I knew that place well going way back before 96, many of us did. Tip did a superb thing in saving Hoag's Pond.

There are three things I would like to suggest, one is just clerical. I don't think you are recording these zoom meetings and it is up to you guys to talk to your attorneys and others. You don't have to do it here and now. But I would certainly think that it is so easy to record these, that they should be recorded and be open for the public in the future, so that a person doesn't have to be on zoom at the time in order to read it. I was unable to attend the last meeting and there might be other meetings. Somebody said that it is expensive to store these things, but really, I think if you look into it, you will find that it is not true. Storage today on computers is far far far cheaper than it has ever been, and it continues to drop. I just make that request. It is something I am going to be taking up with the city and the county in the interest of transparency in government and participation by all, so I leave that for the record.

The actual issues that I want to speak to tonight are one, that the mission statement was drafted after the election and part of it, what I keep reading is that you have to turn in the master plan, or some variant of that. No, you have the responsibility for the master plan, but not the authority. The city has kept the authority. The excuse I kept hearing is that Mayor Kelly stalled it for eight years. So, for you folks to turn it back over to the city without having completed that is perfectly appropriate. There is no need to have to force you to do it when you were stopped by the city.

The last thing I want to bring up, my suggestion – I will be writing about this – is really that instead of spending a couple \$100,000 of the Bellingham taxpayer money to give as a gift to the Whatcom Land Trust – I know I am putting that in aggressive words, but that is the way I feel – rather we have an example in Lake Padden Park an example where a conservation easement is entrusted to the citizens of Bellingham and that can be done with this, because we don't plan any major changes in the future. In fact, we want it preserved, we don't want it intruded upon. We want trails and we want it to be maintained and we want it to be a natural area without gazebos, without restrooms. Parking, if it is needed can be put on the 24<sup>th</sup> Street right away and on Chuckanut Drive. These are places that don't even touch the property. I think that would be cheap and that would be zero. Following that is that you guys get out of this before the end of this year, close the books, turn the monies over to the Greenways for the maintenance of the park. That money is the south side taxpayer's money, and it should revert back to the park and not go back into the general fund of the parks and go to the Land Trust or other people. That money belongs to the property owners of south Bellingham, those of us who willingly and unwillingly have been paying for all these years and it should go to maintain the forest trails, the signage, the minimal things that are needed so we can enjoy it.

**Frank James:** Thanks John, that has been over four minutes. I just wanted to allow you to complete your thought. I took notes.

**Vince Biciunas:** Just to rebut John a little bit, it is my understanding that it was never our responsibility to take care of the master plan. That the master plan was always the responsibility of the City Parks Department. It is in our conservation easement and interlocal agreement that that needs to be done before we dissolve. I just wanted to repeat that for the record.

**John Brown:** I very much appreciate the comments you made, especially the audible record. I think that is an excellent suggestion. Regarding the mission statement so far as it pertained to the master plan, I think that is a cogent question. You can think about it more, what Vince has said in response. So far as the surplus of some money after the loan is paid off, I, myself – I am not speaking for the board – I am very much in sympathy with the notion that money ought to stay on the south side and it ought to go to the maintenance of the park. I want to thank you for these comments.

**Minutes:** Motion to approve the December 9, 2020, meeting minutes made by John Brown, seconded by Hue Beattie. Approved 4/0. John McLaughlin abstained as he was not at the meeting.

**Park Advisory Board Meeting:** Bob Carmichael said they discussed the master plan for the Chuckanut Community Forest Park. The Parks Dept is planning on starting that promptly this year. John Hymas was asked to forward the park board minutes when he receives them. John Hymas thinks we should try to get them to complete it before the end of the year, it is just going to cost us more money if he has to run for election.

#### **Old Business:**

- **Review of Park's and Students' Trail Plans and Wayfinding**

John McLaughlin talked about the difference between the student's plans and the Parks Dept plan. The students had specific criteria that they applied to create alternatives and then selected designs based on performance of a design related to those criteria. We do not know what criteria the city used, if they used any. Basically, we have 5 or 6 plans, and I think we ought to come up with our own criteria. Criteria used for student's plans was developed from public comments the board has received.

John McLaughlin: If we are to have an influence on the master plan, if we are basing our recommendations on criteria, particularly if they are derived from public comments and input, I think we will have a lot more leverage.

Frank James recommended that we have a summary of our criteria and engage the city to see what standards they used to develop their plan and to bring them forward for a discussion. John McLaughlin was asked to summarize those criteria. Then there could be an announced public meeting where people could give input on the criteria, which would be publicized well ahead of time.

John McLaughlin will contact the city to see what their criteria is. Suggest that we have a meeting in March where the public could give input. An issue to be resolved is how the city fills in

the areas with question marks on their plan. They could have more or fewer trails depending on how they fill those in and there needs to be some rationale to make those decisions. Best to have explicit rationale for those decisions. Request feedback from them about the student's plans.

Frank James suggested that it would be good to get the Parks Dept to think more about their planning criteria and do that by sharing our planning process, the criteria that John McLaughlin developed, and the students used.

Vince Biciunas suggested that after the seven inches of rain we have had over the last six weeks, if you are interested in the hydrology and seeing where the wetlands are, now is a good time to take a walk over there.

Frank James: Excellent suggestion. Might be a good time for the city to walk in there as well. Our goal would be to propose our criteria for trail plans, we can look at the criteria that John McLaughlin brings to us and then evaluate it, improve, comment, and then move that forward as our official recommendation to the master planning process.

John McLaughlin: Then we can use those criteria to evaluate the plans before us and if the city goes forward with their plan, our criteria would be helpful in resolving those question marks or realigning some of the trails that are there.

John McLaughlin: My class, in the fall of 2020, took up the restoration plan. I have those and that is going to be a component of any good master plan to go from where we are now to where the official trail alignment is. I can select the best ones and use them, stay a step ahead in thinking these things through to really help out the City and the Forest. Potentially meeting in May or June to present the restoration plans. Decide at February meeting when to present the restoration plans.

John Hymas: Would like to include non-native invasives plant removal.

John McLaughlin: Did do some of that, focused mostly on trail removal (de-compact the soil, restore plants to those places), how do you encourage people to stick to the sanctioned trails instead of the old trails, how do you narrow trails that are too wide (deal with soil de-compaction and returning porous spaces to compacted soils), and measures to ensure compliance with the plans so we don't end up recreating the problem we already have, and restoring hydrologic connections. A lot of surface and sub-surface flows are impeded by compacted soils. Also need a monitoring plan. What do you need to measure and keep track of to tell how well you are doing? Didn't include much invasive plant stuff, but it needs to be included. Tried to limit the scope of the project for the students. Sooner we start dealing with invasive plants, the easier it is going to be.

Frank James suggested reaching out to the South Neighborhood Association and inviting them to a meeting because this is a regional issue, as well as Whatcom County Invasive Species group, and whoever deals with that in City Public Works. Vince Biciunas suggested we coordinate hearings with the Parks Department.

John McLaughlin noted that it would be helpful to know what the Parks Dept process is going to be, so we are sure to get our input in to provide a starting point for them to work.

Bob Carmichael: Be important to have a liaison from the Board to City Parks Department on master planning for process issues, so we can coordinate what is happening. My impression is that they are planning to get started asap this year. They may finish this year.

John Hymas agreed to be a lead on this with City Parks Dept and Frank James asked him to let us know what is happening. John Hymas will contact Nicole Oliver.

Frank James: We have done a lot of planning already. It is a little unfortunate that they didn't invite us to go with them when they walked through the Park and created their trail plan or to have benefit of the work we had already done, including the public hearings. It would be good to be clear about what they see their role and what they see our role as being, knowing that it is in their budget to do the master plan, not ours.

John Hymas mentioned that knowing what their plan is to finish the master plan, that could affect our budget. I don't want to run for office again, unless I really have to.

Frank James reminded that our goal is not just paying off this loan but ensuring that this property is protected in perpetuity and that is something that the City has not always appeared to share that value with us and that is the whole point of having a resource to ensure that aspect of our responsibility.

- **Conservation Easement:** Frank James: I will reach out to the Land Trust and see what progress they have made in their discussions to facilitate the role they would like to take in being the holder of the easement going forward. We need somebody that has the legal and technical ability to protect that easement.

Bob Carmichael did write up something for the board about that. The Interlocal Agreement is very clear that conservation easement must be with a qualified land conservation organization. That is a requirement of the Conservation Easement and a requirement of the Interlocal Agreement. This is not an easement that we can dedicate to the general public, unless we were to change both of those documents, and that would require an agreement with the City. Both of those documents went through significant public process and public comment before they were finalized, including a joint meeting between the Chuckanut Community Forest Park Board and the City Council where there was a public hearing. I do not believe the City would agree to an amendment to dedicate an easement to the public. My recollection of negotiations was that it was to be a conservation easement organization qualified under the proper RCW's and IRS codes. I would not encourage the Board to go down that path unless there are strong feelings on our Board's part.

Frank James stated that the Board does not have an appetite to go down that pathway as the Board has worked for years on the idea of having a qualified organization hold the easement.

John McLaughlin mentioned that the Land Trust does not have a history of applying their expertise and resources in this place. They hold the easement to an adjacent property and that easement has been violated and there have been additional threats to violate it further. They have been quiet about that and have not been engaged as far as we have seen. I think we would need some sort of assurance and understanding about what's changed and how they would do things differently than they have in the past.

Frank James: They recognize those issues and they have been pressed financially to defend some of the things they would like to defend. They now have a process in place and that is where the cost comes in. There is a risk pool that they pay into. They recognize that. They don't take on those responsibilities unless they have the financial resources to do that.

#### **New Business:**

- **Interlocal Agreement for Payroll Service** Need to update and approve agreement which expired 12/31/2020, Robyn Albro noticed it last week. Carmichael Clark is looking into it with the County and will look at having it at the next meeting.
- **Billing Question:** Zoom is giving us a deal if we subscribe for a year. The amount is \$119, which is one dollar less than what it costs for 8 months (which would get us through September) and would save us \$16.29 per month if we need to meet online past September.

Frank James: With my experience working on the pandemic, I think it is unlikely that we will have enough people vaccinated before June (takes six weeks from first vaccine to being protected) and it looks more likely that it will be October. John Brown moved that we subscribe to Zoom for a year at the reduced rate. Hue Beattie seconded it. Hue Beattie: I think we have learned a lot about zoom for public meetings. I think we should keep zoom as an option to testify. People don't have to get downtown to participate. It should be an option, not a mandate.

John Brown: If that comes to pass, that we would want to keep zoom as an option, we can do that at the time. Vote on the motion. Passed unanimously.

#### **Monthly expenses and cash flow sheets.**

**Petty Cash:** WECU Bank account balance as of 12/31/2020 was \$3,095.70.

**Treasurer's Report:** As of December 31, 2020, Whatcom Co. Treasurer's Monthly Report, beginning unencumbered cash balance (12/01) \$279,327.50, ending unencumbered cash balance (12/31) \$229,858.68. We received tax revenues of \$3,537.59 in December. Paid out \$9,906 in operating expenses, and \$43,100.33 was paid on our loan to the city of Bellingham. Current debt outstanding as of 12/31/2020: \$651,442.50.

**Motion:** To approve District Payroll Input Form by John Brown for wages for Robyn Albro, 31.75 hours in December 2020, total gross of \$793.75. Seconded by John Hymas. Approved 5/0.

**Consent Agenda:** Motion to approve following payments by John Hymas. Seconded by Hue Beattie. Approved 5/0.

Discussion on Horowitz Records Request, which at first was for all board members emails for a period of time and then changed to just Frank James emails for a different time period. They have now been delivered to Mr. Horowitz. Bob Carmichael: To comply with a public records request for a small special purpose government like this that doesn't have staff is onerous, because you have to comply with all the legal requirements, exemption logs need to be prepared. It requires a lot of records to be gone through. Catherine Moore in my office has done that. The largest part of that bill will come next month, based on the amount of time that has been spent. Frank James: I spent days looking through my emails, because you must make sure you have every single email, every violation is \$100 a day that we don't comply with it. This is a very serious thing, very expensive and very time consuming. Public access is critically important, and it is something that we defend, and we will absolutely comply with these requests, but it is not inexpensive.

- Payment on the December 15, 2020, Invoice #93450, from Carmichael Clark PS for \$5,413.50 for regular professional services.
- Payment on the December 15, 2020, Invoice #93451, from Carmichael Clark PS for \$898.50 for Horowitz Public Records Request.
- Payment on the January 07, 2021, Invoice #31976, from Whatcom County Administrative Services for \$30 for Fourth Quarter Payroll Services.
- Payment on the January 24, 2021, Invoice from Robyn Albro for mileage \$11.04 for December and \$10.75 for January.
- Payment on the January 24, 2021, Invoice from Robyn Albro for Zoom Membership for December, and January for \$32.58.
- Payment on the December 09, 2020, Renewal Notice from RLI Surety for \$350 for bond insurance for two board members.

These meetings are recorded. They have not been available on the website. Robyn Albro received a request for the November meeting recording and she sent it to Larry Horowitz. John Servais asked if it was publicly available and I told him we had not been posting them. If people want to post them, Robyn can do that. Bob Carmichael: Whatever the board can do and authorize without too much expense. It might discourage any future public records requests if people have access to seeing the meetings themselves. Robyn Albro said it wouldn't be hard to post them. John McLaughlin: There might be some privacy concerns with video. Bob Carmichael: If someone is voluntarily participating in a public meeting and they are advised that the meeting is being recorded and they have clicked on the video icon, so they know that their image is being projected, that is probably not an actionable privacy violation. We could make an announcement at the beginning of the meeting. If you don't want your image preserved, you can just participate via audio. It could even be put on the agenda. Bob Carmichael will write up a paragraph to put on the agenda.

Robyn Albro mentioned that we got a notice from the County that we need to decide in April about the re-election of John Hymas, as it needs to be filed in May for the November election. If John Hymas runs again, he would be the only board member who has served the entire time of CCFPD's existence.

**Next meeting:** Wednesday February 24, 2021.

**Adjourn.** Time: 7:03 pm.