

**MINUTES — Regular Meeting**  
**CHUCKANUT COMMUNITY FOREST PARK DISTRICT**  
**Wednesday, May 26, 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):

John Hymas [jhymas1331@gmail.com](mailto:jhymas1331@gmail.com)  
 Hue Beattie [hue.ccfpd@gmail.com](mailto:hue.ccfpd@gmail.com)

Frank James [fjames.ccfpd@gmail.com](mailto:fjames.ccfpd@gmail.com)  
 John McLaughlin [johnm.ccfpd@gmail.com](mailto:johnm.ccfpd@gmail.com)  
 John G. Brown [jbrown.ccfpd@gmail.com](mailto:jbrown.ccfpd@gmail.com)

**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.

**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.**

A visual and audio recording of this meeting will be posted on the CCFPD website. If your camera is on during the meeting, your voice, likeness, and surroundings, will be publicly available and viewable on the CCFPD website. If you choose to speak with your camera off, or by calling on a telephone, only your voice will be recorded.

**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.

**Roll Call:** Frank James, John Hymas, John Brown, John McLaughlin, and Hue Beattie

**Motion:** Moved to approve agenda by John Brown. Seconded by John Hymas. Approved 5/0.

**Introductions:** Bob Carmichael, legal counsel, Robyn Albro, secretary, Vince Biciunas, Ann Eissinger and Kirk Gulden.

**No public comments.**

**Motion** to approve minutes for April 28, 2021, meeting by H. Beattie, seconded by J. Brown. Approved 5/0.

**Old Business:**

**Park Advisory Board Meeting Report.** Nothing at this time, update at next meeting.

**Old Business:**

**Update on Master Plan and Steering Committee.** V. Biciunas heard during the City Council meeting that Nicole Oliver said the master planning process is starting in June.

B. Carmichael, F. James, and Ann Eissinger met between meetings to discuss the master plan. Bob Carmichael summarized the discussion: Important points from that discussion and next steps were:

1. Forest should be designated as open space.
2. How do we define and limit the built environment in the Forest? That should be an objective of the master plan. The conservation easement outlines a number of potential uses that would not necessarily be consistent with a natural park.
3. How we adapt to climate change should be an aspect of the master plan. One of the most important aspects of the restoration plan is how to adapt to climate change going forward, more so than restoring what is there, though that is critical. Climate change effects the biota of the Forest, like large Grand Firs, a significant part of the overstory, and they will suffer with climate change. Trails infringing on wetland buffers are a concern, as well as preserving wetlands.

Question raised by B. Carmichael:

What level of involvement should the Park District have in this planning process? Be more of a partner rather than just a stakeholder among other stakeholders? One way to raise that issue is with

an interlocal agreement with the city. Would the city agree to it? If we choose to do that, B. Carmichael could draft an interlocal agreement.

Ann Eissinger recommendations:

- If the transfer is to occur with the conservation easement intact, it needs to align with the mission and the ability of the Whatcom Land Trust (WLT) to manage that land consistently with the interurban wetland property next to the Forest. How does this need to come together to benefit the community?
- There need to be conversations with the City and the Land Trust on how to protect the open space of the Forest. The 19 uses in the conservation easement needs to be pared down to be in alignment with the uses of the Forest and to remove those things that conflict with the core mission. That would help streamline the process. The WLT needs clear management definition, who is responsible for what.
- The community needs to be honored for their part in all of this over all these years.

F. James: We hadn't considered aligning the conservation easement with the adjoining wetland property that they already have a responsibility for. The continuity of the two are inseparable. That would also give us a good vehicle for renegotiating the specifics of the easement.

Ann Eissinger: It also provides leverage for the board, if you have a working agreement with the WLT for them to take over the conservation easement and you want to align the two conservation easements and the management, it gives you the leverage to work with the city to reach that agreement and achieve that alignment.

B. Carmichael: What Ann Eissinger is saying makes sense, it agrees with what we have been talking about and that the Forest is part of a larger ecosystem. Good idea to get rid of some of the permitted uses in the conservation easement, they were put in at a different time. Recommend we move forward with amending the conservation easement and doing the master plan process and figure out how to get both accomplished. A benefit of the Park master plan is it comes with a public process. That public process can help with what the master plan will look like and what the conservation easement should look like. Public input will be needed to change the conservation easement.

B. Carmichael: What I do think is important is for the Park District to look at the conservation easement the way it is written and identify how we would like to see it changed. It may include limiting the permitted uses, looking at the other easement the Land Trust holds, to see about what Ann said about trying to align it, see if they are consistent, maybe even make a reference to it. It would start with us doing that, so we are comfortable with it and then reaching out to the city and the WLT to initiate discussions.

If the steering committee is starting to meet in June and we have our members on the committee, then one of the things we can do is raise the issue on the committee level. Can say that the Park District, which is an independent municipal legal entity with the right to make decisions, have been looking at this and want to take another look at the conservation easement and fold discussions about amending the conservation easement into the master planning process. This will probably take some discussion at the steering committee level about how to best bring the public into that process. That can happen now at your next steering committee meeting. Also, if coming out of this meeting, the board wants to give me direction to look at potential amendments to the conservation easement and to bring those to the board at the next meeting, I would be happy to do that.

H. Beattie: What are the 19 items? How many people are going to be on the steering committee. How is it structured?

V. Biciunas: Did want to remind you that if you make a draft to the conservation amendment that eliminates bicycles and dogs, that will immediately raise hackles. B. Carmichael wasn't thinking of bicycles or dogs. F. James: Those are about inconsistencies in use.

Ann Eissinger: The conservation easement as it is now written contains discrepancies in the permitted and non-permitted uses with trails, bicycles. There needs to be consistency to make it more manageable. 19 permitted uses are built facilities of some kind.

Commissioners discussed working with the city on the current basis or as co-equal partners and discussed amending the conservation easement.

J. Brown: My hope is that the revision that Mr. Carmichael is talking about include considerations that Ann Eissinger has brought up, with B. Carmichael conceptualizations, and that we will be in the company of sympathetic people who want this whole process to go forward. If we are trying to bring the conservation easement into alignment with the contiguous property, I don't see what their objection would be. I think we are going to evolve into co-equal partnership.

F. James: In our past conversations, I heard that we wanted to have co-equal status with the city.

J. McLaughlin: I echo much of what I have heard from Bob, Frank and Ann. Once we dissolve, we have limited leverage on what happens, so this is our opportunity to set things in place. I also agree very much with Ann that much of what is in the conservation easement is antithetical to what is important to the Park District and it will make the job of the Parks Dept. much more difficult. I think it is to the benefit of everyone to heed Ann's wisdom and work with sympathetic people in the City's government to come up with a conservation easement that works much better. And to work with whoever receives the conservation easement so it can be enforced. We also need to engage the public because that is where our leverage comes from.

J. Hymas: I agree with John McLaughlin that most of this is going to be neighborhood people that are going to get into the master plan process and I also agree with John Brown. I think we have plenty of friends in city government right now so let's just get on with it.

F. James asked the commissioners if they should be co-equal partners in this process?

J. McLaughlin: If you look at the draft outline that Laine Potter walked back a little bit, it is not clear that anyone is a co-equal partner, it is clear that they are doing it and they may consult with various stakeholders, and we may be listed as a stakeholder group but there is no co-equality at all in this. I strongly believe that we assert our co-equality.

H. Beattie: I still haven't seen a list of who is on the committee. Then you know if you are co-equal or if it is just token. Are the Lummi's invited? They are stakeholders.

F. James: I don't think we are co-equal; I think we are considered one among many in the process.

J. Hymas: I think we should be co-equal with the city. There are four of us on this subcommittee and we don't know how many we are in total.

F. James: We are elected and we represent our people in our district and the substantial contribution they made. I don't believe we are another stakeholder and I think we need to assert that. We are elected officials and we are very different than many other stakeholders and we need to assert that.

B. Carmichael: I heard different things and I misread the board. What does co-equal mean? Does the Park master plan have to be approved by the Park District and the City? If we have final approval authority, then we are going to have all the necessary authority. I want to raise the point that we have limited resources, limited energy, limited time. If there is a fight, we may want to reconsider. If it turns out easy, then I think it won't be a problem. I think there are some things that may be more important in perpetuity than whether we have our name on the approval or not. The most important thing is to get a good conservation easement and a good master plan that everyone is happy with. Maybe getting there calls for co-equal status, I don't think that is the principal goal we have. If it is necessary to get there, then we should absolutely do it. I don't think there is a problem in traveling down the road and asking for it and seeing what kind of response we get. If we have to spend a lot of the board's capital to reach that goal, then I think we need to reassess.

Ann Eissinger: For consistency's sake, the conservation easement called for both the Park District and the City's agreement, as did the baseline document. Going into the master planning process on

equal footing with the city and being co-equal on that document would be in line with the other agreements.

J. Brown: I think that is very strong evidence for asking for co-equal partnership with the city.

J. Hymas: I don't think we need to ask; I think we should just state, just keep it the way it has been.

J. Brown: Well stated.

F. James: I think we need to put the time into meeting with the Park Staff to set those agendas. I think it would also be good to have a conversation with the Mayor and the Council. I believe they would be fully supportive of this.

V. Biciunas: I don't feel authorized to call Laine and City Parks and say, how's it going, when's our next meeting, how many people are there. Maybe you could do that Frank.

F. James: I would be happy to do that. F. James will also talk to the Mayor.

J. McLaughlin: I would like to spin the co-equal status in a positive way. Given all our experience and all we have put into it, the outcome is going to be a whole lot better for them, for the public, for the place if we are an equal partner and so it is in the Parks Dept. best interest to recognize us as a co-equal partner.

F. James: I hear a clear consensus with that, and the next step will be I will reach out to the Mayor. I will make sure I have the basic information together that we want to put forward. Thank you, Ann and Vince, for helping inform our thoughts.

#### **Reminder about Future Meetings:**

**Analiese Burns Presentation will be at July 28<sup>th</sup> board meeting**, on new data from their Urban Forestry Management Plan assessment on wildlife corridors, forest structure, restoration opportunities, and fire risk.

**Public Hearing on Restoration will be at June 23rd Board Meeting.**

#### **In-person meetings or in-person/zoom meetings.**

Robyn Albro did research and a practice session on combining zoom with an in-person meeting.

Recommendation for an in-person meeting with zoom be an indoor meeting because there are too many variables with an outdoor meeting. We will only have one mic that everyone will share, so we will not be able to mute someone if there are extraneous sounds, and we can't mute the birds singing or the cars driving by. Also, if you are outside with your phone or computer, you may have trouble seeing it if you are in the sun and if you are in the shade, people online will have a hard time seeing your face.

The set up would be:

- Commissioners, B. Carmichael and R. Albro would have a computer or a phone so our faces could be seen, with everyone's mics muted, except for Robyn's, so there is no feedback.
- There would be an extra set up for the people who come to the meeting so that they can be seen during the public comment period.
- There will be one mic, which would probably have to be passed around, but Robyn will do another practice session before our first meeting to test it.
- There would be a wireless speaker set up so the in-person people could hear when people speak on zoom. Robyn would mute and unmute the wireless speaker.
- Whatever space we meet in will have to have wi-fi, so we have a good signal for zoom.
- If we are going to do a public hearing inside with zoom, then we will also need a projector (which we would have to borrow) and a screen so that if people are presenting either in person or on zoom that everyone can see what is being presented. We would need to do a practice session with two commissioners at a time, so everyone understands how it works.
- In terms of places to meet: The library won't open their meeting rooms until everything is back to normal, not sure when that is. The Firehouse Café Performing Arts Center is a

possibility. They have wi-fi and they would let us use their room for free. The caveat is it depends if it works in their schedule; they would not be able to do it if they have a paying gig. Frank has an office with an adjacent conference room that comfortably seats 8 people. Masks would be required in the conference room. It is above Fairhaven Bicycles, 3rd floor. It would accommodate all of us and a few guests, and it has an elevator.

Robyn Albro recommended that our first public hearing not be our first in person/zoom meeting and instead just be on zoom. The Commissioners agreed.

John Hymas suggested we wait for Phase 4 to meet in person and the Commissioners agreed.

**Resolution 20:** It changes the policies and procedures for our regular meetings. Changes the regular meetings to fourth Wednesday at 6 PM, it was never changed from the original fourth Thursday at 7 pm in the policy manual. Also changes regular meetings so they may be held at an alternate location, date and time, if pursuant to a vote approving such change by the Board of Commissioners, ten days' prior notice is given to all the commissioners, the alternate location, date and time is listed on the District's web page and notice of the change is sent via email to the Friends of CCFPD listserv. Moved by Hue Beattie to approve, seconded by John Brown. Approved 5/0.

#### **New Business:**

**Safety Deposit Box:** WECU is revising their safety deposit box policies. J. Hymas and F. James will meet with them Friday. To change the names, we have to change the box. H. Beattie moved to pass Resolution 19 to open a new Safety Deposit Box and close the old one, with Frank James and John Hymas being signatories. Seconded by J. Hymas. Approved 5/0.

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

**Petty Cash:** WECU Bank account balance as of 4/30/2021 was \$2,821.

**Treasurer's Report:** As of April 30, 2021, Whatcom Co. Treasurer's Monthly Report, beginning unencumbered cash balance (4/01) \$265,016, ending unencumbered cash balance (4/30) \$484,067. We received tax revenues of \$267,821. Paid out \$2,023 in operating expenses, and \$46,746 was paid on our loan to the city of Bellingham.

Current debt outstanding as of 4/30/2021: \$598,487.

**Motion:** To approve District Payroll Input Form by John Hymas, seconded by Hue Beattie, for wages for Robyn Albro, 24 hours in April 2021, total gross of \$600.00. Approved 5/0.

**Consent Agenda:** Motion to approve following payments by H., Beattie, seconded by J. Brown. Approved 5/0.

- Payment on the April 15, 2021, Invoice #94711, from Carmichael Clark PS for \$1,511.50 for regular professional services.
- Payment on the April 30, 2021, Invoice from Robyn Albro for \$35.84 for mileage for February, March and April.

**Reminder:** R. Albro will send an email to three board members right after the meeting, Frank James, John Brown and John McLaughlin. Please respond confirming that you approve the paying of bills as listed in the consent agenda and payroll. Robyn will bring around the other Resolutions for signature.

R. Albro is also in the process of filing the annual report with the State Auditor's Office and it will be done by the end of the month.

**Next meeting:** Wednesday June 23rd, 2021.

**Adjourn.** Time: 7:42 pm.