

**MINUTES — Special Meeting**  
**CHUCKANUT COMMUNITY FOREST PARK DISTRICT**  
**Wednesday October 26, 2022 at 06:00 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.

This meeting will be recorded. 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:** Welcome Commissioners and Citizens. Per Chapter 42.30 RCW (Open Public Meetings Act), CCFPD Board meetings are open to the public. 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 (President), John Hymas (Clerk), John McLaughlin, and Hue Beattie.

**Motion:** by Hue Beattie to amend the Agenda to postpone approving the minutes till the next meeting. Second by John Hymas. Approved 4/0.

**Conservation Easement – Potential Holders of.**

Discussion of potential holders of the Conservation Easement. Yellowstone to Yukon said this is not really their territory. Nature Conservancy is an option and Frank James is going to look into that. They typically have a steward that is assigned to the property, and they have a good track record with that. The Northwest Indian College is definitely interested. They have two 501(c)3's and we would have to check that they are qualified. Both tribes are mildly interested, but it is not a big priority for them as they have other big issues going on.

Discussion of the Whatcom Land Trust and their easement on the property in the area. Their easement is different from ours and in some ways better. Frank James and John McLaughlin are not impressed with the protection of that property. There are some significant encroachments on that easement. Frank James questioned why they have been timid about actually doing the protective work that is outlined in that conservation easement.

Frank James discussed calling the University. The Provost was a little bit interested. The President has not returned his calls.

John McLaughlin thought the University would be likely to express concern about the responsibilities they might have regarding management. He mentioned the Arboretum is two separate parcels owned by the University and the City and there is a board that coordinates things. The structure seems to work at doing the hard work of preserving it. He felt with two different organizations, they have to keep each other in check. If either one had all the control, it wouldn't work as well. That is a different model to what we have.

Frank James stated that we are looking elsewhere and at the Land Trust for due diligence to look very carefully for what is the best fit and what will be the most likely to really be able to protect the property in the long run.

Frank James will also be reaching out to Sierra Club and Audubon. He'll get back with an update on them.

John McLaughlin discussed the Land Trust: All of the staff that were involved in drafting the original land easement in the adjacent property are gone, some of the board members are still there, as points of context. If you mention concerns about violations of the easement and lack of enforcement to the Land Trust that might be something that they would offer. The other contextual thing is the Land Trust values its reputation. It holds easements all across the county and those easements really aren't worth much

unless they're enforced and so the Land Trust would probably be sensitive to concerns that they are not enforcing. Thank you, Christopher, for sharing that trust easement with us. I noted two violations that are really serious in Section 5. There are a whole series of excavations done by Geo engineers for the former developer that clearly are an egregious violation of that easement. The City allowed those excavations but it's in violation of easement and the Land Trust did not step up to defend or object in any way. The other one, which is more ongoing, prohibiting or is it? It's Part D restrictions, "Widen existing trails for bicycle use or encourage bicycle use except where part of and pursuant to an adopted area master plan which seeks to reduce the impacts of roadway construction and off-trail bicycling..." That is an historic violation before the Community Forest came into legal existence and it's been ongoing ever since, and again, we've not heard anything from the Land Trust. Those are both very serious violations that I am concerned that the Land Trust has not objected, protested, or raised any concern about. For me, that may mean the Land Trust for me are disqualifying. I'm really interested in some of these other options that you've mentioned Frank and see if they provide better options, but I'm really concerned about those former violations and because they do impact the reputation of the organization, I think they transcended who was on staff.

Frank James: Yes, those are serious concerns. I had a bit of a discussion with a few people about those issues and they did point out the Land Trust was defending other easement encroachments. They tend to much more egregious violations, such as a steward using the land personally for their own benefit. I'm excited about the Northwest Indian College option. They're not going anywhere, and I think they're very interested in pursuing educational opportunities and really working with the land.

Discussion about that the Community Forest is the headwaters for two salmon streams and also for the wetland on Chuckanut Bay. Lots of opportunity for good management of an important resource. Frank James hoped there would be an effort to get the Beaver ponds rebuilt so there is year-round water coming down Hoag's Creek, which it doesn't do now. Hue Beattie mentioned the Padden Creek Alliance meeting at the Fairhaven Library which various state agencies and city people attended. Discussion about stream flows, managing levels in Lake Padden. Encouraged Wendy Scherrer to do meetings on zoom as well. John Hymas attended. Discussion about changes to Padden Creek in recent years and how many fish are coming up Padden Creek.

### **General Comments**

Christopher Grannis: May I say something? I have another meeting tonight so I'm going to have to leave pretty soon. I was disappointed in the Conservation Easement negotiated between the Park District and the City. It says off leash dog trails with obstacle, exercise area. Before I saw this, I was thinking well, why can't we just ask the City to adopt the same conservation easement that they have with the Land Trust for the 17 acres. They call it Chuckanut Ridge Wetland. Alex, from the Land Trust explained to me that the developer transferred the title to the Land Trust, who then transferred it to the City, along with that easement. So, it was written by the Land Trust. It was not negotiated. When they transferred it to the City that's the easement that went with it. Looking through what is here now and all the stuff that Parks wants to do in there. You know I always kind of had the idea that we would want to try to preserve this as one tiny little bit of natural area that would have the chance to become what it was 100 and 50 years ago, before the white man came and destroyed most everything that's in Bellingham. It doesn't look like that's going to happen.

Frank James: Christopher, one thing. I'd point out is that we drafted what we wanted from the City earlier. There's a draft of what we would like that Bob took to Alan Mariner and he's had some discussions about that. I would compare it to the one that we've proposed, and I don't know if you have that or you've seen it, but we can dust that off and try to get it out to people to consider. Many of those really bad ideas were considered in the development of the master plan. Every one of those was discussed and everybody in the Steering Committee agreed that they should be eliminated. So that was already agreed to so that I think there's a much better draft that's had some public process already that I think we should definitely pursue and stick with as a beginning place to discuss with the City.

Christopher Grannis: OK yeah, I would like to see that.

Frank James: I can dig it up and make sure we circulate it to everybody now. Bob did you have a chance to have an initial discussion with Alan Mariner about that?

Bob Carmichael: I did talk with him. I sent him the easement. He said he would look at it. I'm sure he sent it to the Parks Department, but I haven't heard anything back from him. He continues to take the position that the City doesn't have to amend the Conservation Easement. That this is something it may choose to do by agreeing with, well he was wanting to agree, as you know, with the Land Trust, but the Land Trust doesn't control the Conservation Easement. So, we're kind of at a bit of a stalemate with them right now in

in terms of whether they're going to talk with us about our changes or not. I haven't heard back from him. If you would like I can try to get back in touch with them, but I think based on his statements to me that he's going to look at it and wait to see who we're going to transfer the Conservation Easement to, and whether they want to talk with that entity or not? It's really unclear to me how we're going to move forward with the City right now until we make a decision on who's going to get the conservation easement. And once we make that decision then I think we can go back to them and say, OK, this is the party that you're going to be holding the Conservation Easement within perpetuity. And I would expect they will look at making changes at that point. But my sense is, especially since he hasn't gotten back to me, that they probably aren't going to do anything until we make that decision.

Frank James: In the end this may not be a legal issue, but a political issue. I think if we put pressure on the Mayor and put pressure on the Council, that may be the path forward. I don't know that Alan or the Parks Department are going to decide to change that without some direction from other people.

Hue Beattie: I think we could get our illustrious Attorney General, Bob Ferguson, to give him a little direction on what the elected people are supposed to do versus the lawyer for the City.

Frank James: Well, I think we have many opportunities to still discuss it.

Barbara Zielstra: I've been thinking about this because what came up when I was looking at the Fairhaven plan. And then today John and I were at a tour with City people, explaining the Padden Creek restoration. There's a lot of money being spent in preserving the Creek and enhancing the Creek. And we've been spending millions of dollars doing that, so it baffles me that we would not look at the wetlands as critical since we're spending all this money to make the Creek more habitable for salmon. Why would we not do what's so simple to do, which is preserve what's already there? But what was interesting to me, and I'll just read it to you. It's in the Fairhaven plan, and it speaks about the Creek. "Protection for Padden Creek should continue under the Critical Area ordinance. This environmentally sensitive area and salmon habitat should continue to be promoted and protected." And this is what I found interesting, public access should be maintained where such access does not damage the health of the Creek. And they looked at that and I said, Oh well, they're already recognizing that public use can damage the Creek. How can we not recognize that it can damage the wetlands?

Frank James: Exactly, yeah, good point, Barb.

Barbara Zielstra: I just feel like there is already out there some evidence that the city is concerned about and recognizes what can happen. And it's just not being applied to the wetlands. I know it's too late for the Master Plan, since that already got through. But hopefully this could help with the Easement.

John Hymas asked how soon the Board could vote on the Conservation Easement.

Frank James: As soon as we have all the options understood and done our due diligence about exploring them. We don't have to do it until a little less than a year from now, but I think we could do it rather quickly, maybe even in our next meeting.

John Hymas: I think the sooner we do it, the better. Frank James: That's my sense too. Bob Carmichael: I agree with that.

Frank James: Hopefully I can move this part forward more quickly now and I think I should be able to meet with the people and bring back a full report at our next meeting.

Bob Carmichael will send a copy to Christopher Grannis and Barbara Zielstra.

Christopher Grannis: Thank you I'm going to have to go to my other meeting here real soon, but I would just like to say I agree that we need to go to the Council members and Mayor Seth and see if we can leverage the changes that we that way.

Frank James: Bob Carmichael got back to us about the legalities of expanding the Board, but it is legally prescribed at 5 so we can't. But I would really strongly encourage both of you to continue to be involved. Please keep coming to the meetings and bringing your ideas and help move this process forward.

#### **Letter from the Board being written by John McLaughlin to Analiese Burns**

Discussion of the letter to A. Burns about the wildlife corridor aspect. It was discovered that it had not been sent yet. So, arrangements were made for the current board members to sign it, not including Ed Grumbine who is off on a long-planned trip. It will be dated today, and Robyn will send it off after Frank gets the signatures.

John McLaughlin is still working on the response letter to A. Burns.

John McLaughlin: The Forest letter is simpler, right? It's easy to measure how tall the tree is, and we have historical data on how old the forests are, and then the third thing is the understory structure. So, all three of those clearly qualify both Chuckanut Community Forest and the Arboretum as mature. And they're calling them young. So that should be cut and dry. The wildlife connectivity, that's more complicated analysis and that analysis rests entirely upon the species you choose to do that analysis on and the species they chose are inappropriate and they were selected in a way that was discredited 40 years ago.

John McLaughlin: But as a result, you have large sections of the City that don't even show up right? Because you don't have the appropriate species, but that's a more subtle point. It's really obvious and really clear if you say the forest is 100 feet tall when it's 160 feet? When you say it's less than 80 years old when we know it's 120. What that does is undermines credibility of the entire plan. That's simple enough, and it's basic enough. And it basically had ought to have broader application. The City needs to be concerned about its credibility regarding science regarding decisions and that sort of thing, and so that ought to catch the attention of the bosses of Analiese, including the Mayor and the City Council. Because they're making a billion-dollar decision on a wastewater treatment plant. They're trying to wrap their heads around how is the City going to deal with climate change, right? Those are complicated and expensive decisions, and if they betray trust on something as simple as how big is a tree, then then they're going to lose confidence of the City. And this also relates to their interest in passing another Greenways Levy. If they mess up on what we've got, we really can't trust them on asking for more money to do more. So again, I think this ought to be an issue that our city leaders would recognize. It ought to be a pretty simple fix. For Analiese, your consultants are going to defend their work, but this is the City, and we need to make corrections for obvious errors.

Barbara Zielstra: I just had a question. Because Analiese was doing this for the whole city looking all that different. That brings up for me, where else has she diminished the quality of the forest that we have.

John McLaughlin: That's one of the points in the letter. One of her excuses in her latest letter is this is a citywide analysis done at a landscape scale. We can't include data at this final resolution. My response is we recognize that and we're not asking you necessarily to go out and measure the trees like I did in those two forests. But any landscape level analysis needs ground truth, and if you have ground truth data that reveal errors in that analysis, then at minimum you need to make corrections for those particular forests and to be responsible you really ought to do an accuracy assessment for the whole thing which gets to your point, Barbara. Ultimately what this really comes down to, there's a really great book recently published by a MIT scientist or philosopher Lee McIntyre. What he did was he visited a meeting of the Flat Earth Society with this basic question of how do you change someone's mind. That's a pretty good test for a scientist. You change someone's mind if you present them with irrefutable evidence that contradicts their ideas, right? And then if you can't for some reason, dismiss the evidence you have to change your ideas. If you're working with an ideology, then nothing is going to change. And that is the experience we've had so far. It looks like nothing will change their mind. And then I want to hear what's the ideology. And it may be the ideology is City staff are always right. But at minimum, if I mean Analiese herself when she presented this, the urban forestry management plan said that. Her group is the City's shop for science and so if she really wants to stand on the platform of science and when we're providing her with evidence that contradicts or reveals errors in in this analysis or in this report, then she's got to do something with it. This letter will be ready for the next meeting.

### **New Business**

#### **Budget for 2023 and Public Hearing for Budget at next Meeting**

Frank James: The issue about the budget is that we need to try to determine as best we can what our actual financial responsibilities are this year. If we anticipate there's going to be additional costs, they should be budgeted for, and we should have a tax levy that will pay for them. And if there are no costs, then that's a different issue. We are going to have legal costs. We're going to have the cost of Robyn helping us. We're going to have our other fixed costs we've had all along. And then there may be additional costs if we get into a legal issue with the City about the conservation easement. Or if there were other technical things we needed to contract for. And whatever money we have leftover, we're not putting in our pockets and taking it away. We're going to donate it to an organization as the mission to preserve this property, which hopefully will be the City.

Hue Beattie: And we might set some aside for archiving. And the history of this project, you know? You said you have a bunch of stuff for Western the expense just to get stuff photocopied. We could sell John Brown's book, I guess. Money there.

Frank James: Robyn had her notes about what this would mean. To summarize what she says, there is a budget of \$170,000 with a levy of \$136,000 in 2022 and 2023 as voted in November 2021. The income at

the top of column 23 is an estimate of the cash remaining in hand at the end of 2022. The budget for 2023 as of 11/11/21 is in the first column. And then Robin made a recommendation about the 2023 budgeting in the following column. The park district to end no later than September of 2023, which is correct. So, we'll have to have money to cover legal expenses and administrative expenses, and any other costs that might be involved in getting the Conservation Easement in place.

Robyn Albro: I included the year end audit in the budget, which is going to be \$10,500. The insurance costs may come down a bit because we won't have a full year of insurance.

Frank James: There won't be any expenses for elections, so that's great. And then the risk pool fund is the biggest unknown. I think whether we assign this to the Land Trust or somebody else, those are probably going to be real costs that we're going to have to bear too, to provide the legal infrastructure to defend the conservation easement.

John McLaughlin: Right, but if we've budgeted a \$200,000 risk pool. And we have that already without additional levy revenues doesn't that mean we should be covered? I'm sensitive to enough concerns that people have that the loan is paid off and so it might be a tough pill to swallow if we're collecting additional money. And we could justify collecting additional money if we need it to serve the second purpose of our organization to protect the place. But if we already have that risk pool or some in defense and that sort of thing then. Again, I don't think we need to collect an additional tax and we probably wouldn't want to risk betraying public confidence or trust.

Frank James: I don't think anybody is into collecting money we don't need, so I think I don't know that we would ever violate public trust in that way. I can't imagine. I think the challenge is really accurately estimating how much money we might need and not falling short. I mean, I don't know Bob, I think once we establish it has to be done right? I mean, there's no getting more money or less money during the year. If we had a levy. Could we stop it early?

Bob Carmichael: I don't know the answer to that last question. Once a levee is authorized, it's set in motion. The tricky thing with for next year is the Park District is not going to be in existence when second-half taxes are due. I'm wondering how much of that just goes directly to the City at that point. I assume that it all would, but I don't know the answer to that question. That's a very good question.

If we have any money left over, it goes to the City's general fund.

Bob Carmichael: It's hard for me to say what the legal expenses are going to be, you know, in in some years they're lower. They're higher this year. The Master Plan and going through all that, those machinations, that we had higher legal fees, probably the highest since we had the Court litigation. And I don't expect that again because I would hope we're not fighting. But, you know, for example, if the Board decided to take up what John McLoughlin suggested, hey, maybe we should enforce the Conservation Easement for these violations. You know that's going to be a lot pricier with legal fees if you do that, you're the Board. You're the one that makes the decisions, but I tend to agree with the other thing you said John, even more, which is the people are not expecting maybe another levy at this point, and I think that's a significant thing to do. So, you have some policy choices to make. Fiscal decision making is the job of the Board, and you don't have to spend all the money that you budget for, or if you levy something you don't have to spend all the levy either. But that money will go out of taxpayers' pockets, and it will end up somewhere and I would expect it would end up either with the City of Bellingham or it'll get spent by the District, or it'll go to the entity that accepts the conservation easement for enforcement in the future. It's hard to know exactly. I've never actually run into this in my career where I've had a municipality I represent dissolve, so I've not gone through this before, it's hard for me to give you a good estimate.

Frank James: So, it seems like we have some homework to do before we can decide this issue. We really need to a more refined estimate of what our actual costs will be for sure, and what additional costs might be incurred, and to find out if once the levee is established, if we can decide to terminate that levee early if not needed.

John McLaughlin: And that homework needs to be completed by next week, November 9<sup>th</sup>.

Hue Beattie: Remember when we passed it? We had 10 years to go right. This is the 10th year coming up and we cut the thing from \$0.28 per thousand down to .046 per thousand. So, it's just a little piddly bit compared to what it was the first nine years. So, I wouldn't think people would be too upset with that.

Frank James: The challenge is there's no way for us to make up money if we don't have it. If there are legal challenges, for example when Larry Horowitz wanted our records, that was what \$11,000? That wouldn't be a choice. We would have to do that. We can't choose not to do that. I think we need to have a

contingency that's adequate to cover likely or probable expenses, and we need to figure out what all those are. I think there's still more homework to do. Bob, if it's possible to have a small levy like the four cents we have now, and then discontinue it if it's clearly not needed. I mean the only real thing we have to do is negotiate this Conservation Easement. And honestly, I would love to work something out with the City where we go away even earlier. If in fact we can negotiate an appropriate conservation easement, but so far, they have not been very willing to even talk about it, which doesn't give me confidence that is going to happen quickly or without difficulty. So, I guess I'm concerned. I would much rather have levy continued as it is and terminated early if that's possible. That's a pretty important question Bob, that I think we need the answer to before we can move forward. And secondly, we need to have a more refined budget that actually looks at all the anticipated costs. Because if we run out of money, we simply can't function.

Bob Carmichael: What I did last year is I gave you three different options for the levy and that seemed to work pretty well. You ended up picking one of them. I think you picked the middle option. And I can do something like that again. On one end, I would think the option would be no levy. Another option would be to continue the levy. And maybe a third option? Would you like that third option to be higher or lower than the current levy?

Frank James: I think lower.

Bob Carmichael: Maybe we pick a half of what the current levy is as a middle option. Does that make sense to people?

Hue Beattie: Third option should be higher.

Bob Carmichael: You think it should be higher? Well, we could do four options. I could do one that's in the middle and one that's higher.

Hue Beattie: Reason I'd say the existing one is because they don't have to change anything. Then you know it already. The tax people got it all dialed in and they send it out, you know? There's no expense to change anything.

John McLaughlin: I have a question or clarification in the budget for 2023, I see nothing allocated for legal, defense or public records requests.

I think that's probably meant to be subsumed in the line above that. Just legal counsel fees. Is that what you thought Robyn?

Robyn Albro: Yes, I didn't separate anything out for this.

John McLaughlin: OK, so we do have \$30,000 allocated for legal costs. Then I'd add a couple of ideas versus this risk pool. We've got a range from \$50,000 to \$200,000, and we've allocated the maximum in that range. And then while we do have risks of unanticipated expenses and that sort of thing, and there's another kind of risk I think we ought to be sensitive to, and that is that we are the first Park District in the history of the city. It's kind of precedent setting and it took some trust and it barely passed, and so if we try and extend a levy to cover our risk, we may risk foreclosing on opportunities for other groups to create a Park District or to raise money for protection in the future. So, I think we need to be careful.

Frank James: Yeah, I hear what you're saying, but I mean, we're talking about pennies, we're not talking about \$0.28 on \$1000 assessed valuation we're talking about now 4 1/2 cents. Those are modest.

John McLaughlin: We are four and a half cents, but property values have increased fourfold in the last 19 years or so, so people are paying a lot more property tax. And they're sensitive to that, and so I, I think there's symbolic value in saying, we did our job and we're no longer going to tax money, and I think there's symbolic cost in saying, well, we're not sure about risk, and so we're going to put that burden on you, the taxpayers. I'm very, very leery of that. But again, I'd like to see the numbers and see what our best estimate of the actual costs or range of costs we can anticipate are to see if what we have now is adequate, or if we need more or what.

Frank James: Yeah, I see what you mean, but I also mean we have to responsibly plan for the real costs we could have. It's irresponsible not to physically have a plan to pay for what we need to do.

John McLaughlin: Exactly, So what we have are our numbers here, right? We've got numbers in our budget. The question is, are those adequate? Are they conservative or are they not sufficient?

Frank James: I think Bob's recommendation to develop some options just like we did last year and try to look at those. We dramatically reduced the cost to the public last year, and we can probably in my

estimate probably further reduce it this year. I think it is foolishness and irresponsible to think that we might not have an income next year. I don't think that makes any sense at all. There are real costs that we're going to have that we have to be able to pay.

John McLaughlin: Right, well the question then comes down to is, do we have enough reserves that we don't need additional income?

Frank James: So, Bob, if you could rough those out, that'd be great. And then if each of us could think through carefully because this is really important, we got to get this as close to right as we can. What the realistic costs would be and not miss anything we can't miss of the actual amount of money we need to do our job, no more and no less. So, if each of us could take enough time to look over that carefully and see if there's something we didn't think of. Now, fortunately, we've got 10 years' worth of experience to build this on, so I think we're going to be pretty darn accurate. But there are some things that we're not going to know the answer to for sure.

John McLaughlin: I'd like to hear Barbara's wisdom, whatever it is.

Barbara Zielstra: I think if you decide, I'm kind of with John on this because, there are people who were resentful of having to pay for something that's going to be a city owned entity. And so, I think if you decide that you need to have more funds than are in reserves and you can reduce the amount. Then you just need, I think, to go very public with the decision and put it out there for people ahead of time so it doesn't come up to you know kind of as they say, bite you in the \*\*\* later, because really, if you explain to people we've spent this money, we've done this. But in order to protect it, we need just this a little bit more. That's probably going to be OK for most people. But I think it's really important to be sensitive to what John was saying. We want to be able to have this as a tool to protect other places. And if we can show that it worked really well and people are by and large happy with it, then I think it's a really good foundation for other things that we might want to do in the future.

Hue Beattie: It's the state laws. It's not the City that created this thing. We went by the state law and set up this district.

John McLaughlin: It's state law, but it's local voters who decided whether or not to do it.

Hue Beattie: And they voted for 10 years of taxing themselves and we're coming up on the 10th year. And so, we're giving them a deal. Really, at the last year.

Frank James: Again, I think we just need to look as realistically as we can at what the costs are going to be. And these kinds of worries that we have, I think we're not going to make everybody happy. There's going to be people who complain no matter what we do. I guarantee it. We have to just be as realistic and honest and sincere as we can be in establishing what our likely costs are going to be. I don't think it's realistic to not have something next year. I just don't think that's realistic. And I don't know if that's Barbara and John, if that's what you're saying is we shouldn't have any income next year.

John McLaughlin: No, the question is we have a reserve and we've allocated that reserve to our expected costs or our expected obligations. And the question is, have we done that planning adequately? We then we don't need an income. If we haven't. If we've fallen short somehow. Then then you have an argument for anything.

Frank James: Well, of course I mean so the issue though is that 50,000 and \$200,000 is an estimate from one organization, the Land Trust. I don't think that's a take it to the bank sort of thing. We need to talk to more people and get more information before we confirm. Some things we can't know. If Larry Horowitz comes and ask for all of our emails again, it's going to cost us another \$11,000 and we don't have a choice not to have that, I don't think. So, we just need to be responsible and thoughtful and as accurate as we can be. And I think we don't need to fear. I mean, we need to do what's right. We don't need to do what is based on fears. And if we do what's right and we deliver what people want, I think it's going to be the strongest possible way to deliver the concept of a metropolitan park district to the future generations. If we run out of money and can't function. We'll look really stupid, I guarantee it. So, we have to do the really difficult job of being as accurate as we can be. And then live with it and make it work. What I'd suggest is Bob if you would develop those four options. We can come back and look at this at a meeting before the deadline, which is what you said November 9<sup>th</sup>.

Bob Carmichael: So, and that's going to be a public hearing, right? We have to have a Public hearing on it and what I'm thinking is, just to put it in context, we were at 28 cents \$1000 for all the years of existence until last year. We knocked it down to 4 1/2 cents a 1000 from 28 cents a 1000. That's a significant decrease and obviously warranted. What I'm thinking right now in terms of options would be maybe

something like one option would be no levy. Uh, mid option would be maybe 2.25 cents, half of what the current levy is. Then another option would be to continue the existing levy at 4.5 cents. And then a fourth option would be to increase it to 6 cents. My sense is there's not support for that, but Hue suggested having one higher than the existing one, and I think that's fair, so I'm happy to come back with those four options.

Frank James: And as part of that, I think we all need to look at these numbers and try to really use our best judgment. Figuring out where our costs actually are going to be. Could they be where they're likely to be? And then we're going to have to work within whatever that is. So, we've got to live with whatever you decide.

John McLaughlin: So, Frank or Bob? Do you see any potential expenses that are not listed on this budget that we ought to be factoring in?

Frank James: The biggest thing I see is if we have difficulty with the City. Getting a Conservation Easement that is acceptable could be an expensive process.

Bob Carmichael: I don't think I answered your question, John. I think Robyn's done a good job of capturing the categories and if there's one she missed, it's my guess is it's a pretty nickel and dime type thing because she's got some nickel and dime things on here already.

Robyn Albro: I tried to include everything.

Bob Carmichael: You did. I think you did a good job and so that's why I'm thinking the answer to your question is no. But I would add, I think the big variables here are the ones you've already been talking about. The conservation easement is how much we have to spend to assign the conservation easement and then the second one is legal costs and legal costs are a function of some of the policy decisions this Board is going to make. You could have those tamped down quite a bit if you decide hey, we're going to give this to the Land Trust, we're going to try to get this signed right away and be done with it as soon as possible. On the other hand, if we start on an effort to make changes that the City doesn't want and we get into protracted negotiations with the city and, and we're not willing to agree to the Land Trust, that could raise the cost.

Bob Carmichael: What's to say that we decide we want to assign this to the Northwest Indian College. We were required to give the City 30 days notice to that decision and then the city protests. They say hey, they're not qualified, and we have to fight with them about that. Now I've looked into it. There are 501(c)3 but there's some ambiguity in that language as to whether they would qualify or not. So those kinds of decisions could have huge ramifications on what the costs are. I could see the legal costs being pretty low. On the other hand, I could see them being high. One of the reasons is you don't just rely on us for legal costs, it's mostly legal, but we do some things because you don't really have any office staff and it requires somebody to have a certain technical level of expertise that we can help you with. If you had a general manager, for example, you'd just be paying their salary. You don't have that. You don't have that luxury. You basically have no employees other than Robyn and Robyn's job does not include some of the things that you're going to need to get into next year. So, it's hard to say and I wish I could give you a better answer. I mean, I'd have a much easier time telling you what I think it would be in a normal year because the legal fees have been pretty consistent on an annual basis, except for when we were in litigation. But now, this year it's been high because of the Master Plan and all we've done, and some of the Conservation Easement drafting and next year is going to be similarly hard to predict, I think. On the positive side, it's not a full year, we're only looking till September 15th.

Frank James: Yeah, well, I think we are all anxious to go away. I mean honestly, we've been doing this for decades and part of I think that the inducement that we can offer the city is we go away early. You know, in terms of making way for their agenda. I mean they have a very powerful agenda. One of the reasons that they hurried so much with the Master Plan was that they had a powerful agenda to get rid of us well ahead of the November timeframe. And they were unwilling, unyielding, unkind at times to achieve that goal. And it's based on fear. It's kind of nonsense, really. I mean, we are the city. We want things to be successful all round. I think we shouldn't base this on fear. We need to realistically plan for what our real costs are, and I don't think we should be short, and I don't think we should be long. We need to be as accurate as we can be. It's that simple. So, Bob, if you'd make those four plans and if each person sitting here will look critically at that and say, well, maybe this is too high or maybe there's something I haven't thought of, that's the hard work we need to do between now and November 9th. And ideally, we've done a very good job of budgeting so far. We've done extraordinarily good job. We've achieved our goals early. We've been very successful. We just need to continue that.

Robyn will work with Bob's office to produce a public hearing notice for a budget hearing and a levy hearing. Bob noted that it has to be done in November, we can't wait until December. It could be done at a later special meeting in November, but it has to be done before the end of November.

John McLaughlin: So, the largest item in the budget is the Conservation Easement. Will we know by that meeting if we have got the range of 50 to \$200,000 from the Land Trust correct. If we're considering other entities

Frank James: I'll try to come back with estimates of what that would be for each of the organizations that we talked about.

**Location for Upcoming Meetings In-person with zoom**

The in-person location for the November 9<sup>th</sup> Board meeting will be at Frank's office at 1108 11<sup>th</sup> St, Suite 303, above Fairhaven Bicycle. Richard Hartnell will set up the virtual portion of the meeting which will include a screen so that in-person attendees can see the people attending on Zoom. He will have a microphone so people can talk during the public hearing portion of the meeting. Bob Carmichael noted that the Commissioners need to be able to hear what people are saying and people at the meeting need to be able to hear what the Commissioners are saying, as a bare minimum.

**Motion** by Hue Beattie and amended and seconded by John McLaughlin is that properly worn masks will be required at the next board meeting. Approved 4/0.

**Monthly expenses and cash flow sheets.**

**Petty Cash:** WECU Bank account balance as of 09/30/2022 was \$2,967.11.

**Treasurer's Report:** As of September 30, 2022, Whatcom Co. Treasurer's Monthly Report, beginning unencumbered cash balance (09/01) \$239,084, ending unencumbered cash balance (09/30) \$237,935. We received tax revenues of \$2,239. Paid out \$3,388 in operating expenses.

- **Motion** by Hue Beattie to approve District Payroll Input Form, wages for Robyn Albro, 30.5 hours in September 2022, total gross of \$762.50. Second by Frank James. Approved 4/0.

**Consent Agenda: Motion** by Hue Beattie to approve following payment. Second by John Hymas. Approved 4/0.

- Payment for September 15, 2022, Invoice #99528 from Carmichael Clark PS for \$10,509.50 for regular professional services.

**Reminder:** Robyn Albro will send an email to three board members right after the meeting, Frank James, John McLaughlin, and Hue Beattie. Please respond confirming that you approve the paying of bills as listed in the consent agenda and payroll.

**Next regular meeting:** Wednesday, November 9<sup>th</sup>, 2022, at 6 PM. This meeting will be held in person as well as on Zoom. Location at 1108 11<sup>th</sup> St, Suite 303, above Fairhaven Bicycle.

**Adjourn.** Time: 7:56 PM.