

**MINUTES — Regular Meeting**  
**CHUCKANUT COMMUNITY FOREST PARK DISTRICT**  
**Wednesday November 09, 2022 at 06:00 PM**  
 Online Meeting Through Zoom and  
 In-Person at 1108 11<sup>th</sup> St, Ste 303, Bellingham  
 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, Ed Grumbine, and Hue Beattie.

**Introduction** of new board member, Ed Grumbine. Frank James: Ed is a PhD who does research on issues related to preservation of the ecological integrity of parcels of land and we're very fortunate to have his expertise on our board. And I'm really excited that you've been able to join us, Ed. In addition, Barbara Zylstra and Christopher Grannis were also candidates and we've invited them to join us in every aspect of this as much as they like, and they've been long term supporters and long term involved people and we're excited to have them join us in our efforts as well.

Ed Grumbine: Well, It's a pleasure to join the board and I hope to be able to make contributions that will forward our work.

**Introductions:** Those who wish to be acknowledged including legal counsel, Bob Carmichael, and secretary, Robyn Albro.

**Motion** by John Hymas and second by Hue Beattie to approve minutes of 9/28/2022. Correction from John McLaughlin. Approved by 4, 1 abstention (Ed Grumbine was not yet a commissioner.)

**Motion** by Hue Beattie and second by John Hymas to approve minutes of 10/12/2022. Approved by 4, 1 abstention (Ed Grumbine was not yet a commissioner.)

**Motion** by John Hymas and second by Hue Beattie to approve minutes of 10/26/2022, with one correction. Approved by 4, 1 abstention (Ed Grumbine had not yet taken the oath of office and was not at the meeting.)

### **General Public Comments**

Vince Biciunas: I wanted to thank you all, especially Ed for joining the Commission, taking the pressure off of some of the rest of us. Now that the master plan is done and it went, for better or worse, it is what it is, and we have what we have. Because at this public hearing we're going to be talking about levees and budgets, I wanted to bring up the subject of the Conservation Easement. I notice on the agenda that there's not going to be much talk about that tonight, it just says an update and next steps. So, I do want to hear a little bit about that after because I think some of our neighbors out there don't understand why this Commission hasn't gone away yet. So, I think we need to have a little bit of a public education at this meeting if possible. Thank you. And I want to thank you guys all for your service.

Frank James: Thank you Vince for your long service here on the board and leadership for those years. And just to clarify what Vince is talking about, if people aren't aware, this Commission will go away once the property is paid for, which it is, and once the master plan is completed, which it is. And once the

Conservation Easement has been assigned to an organization which can manage it in perpetuity. We've had various discussions with a number of different organizations over several years and moving that process forward. I've reached out to about a dozen other organizations in our due diligence to look at all the possible partners that we might have, and we'll be coming back to a discussion, and I'll do a presentation of which organizations I've talked to, which have expressed interest and which have not, and some initial thoughts about that and then probably at our next meeting once everybody had a chance to talk about these and think them through, invite the ones that are interested to speak further with us. As I said, we've spent a lot of time working with the Land Trust. We have a deep and detailed understanding with them. I think that's very advanced. Some of these other groups, if they are viable partners, I think we're going to need to take the time to explore that with them. That's what that will amount to, but we do have until September to finish this process. I think it's very important that we select the right assignee of the Conservation Easement that will defend it, and I'm just glad that we have a number of very viable and very enthusiastically interested parties.

Christopher Grannis: If the City decides they don't want to accept the Conservation Easement that's proposed by CCFPD, that the need for a bigger budget is greater than if they do. I was reading the Conservation Easement, the new proposed one, and I came to the terms of the Conservation Easement, the title 10 or X where the City may elect to terminate the easement if da da da da. And I wondered about that. I wondered if that would be legal. Now it's my understanding that the taxpayer paid the CCFPD and the CCFPD paid the City for a Conservation Easement. Would it be legal for them to just terminate it? And that's \$3.2 million worth of taxpayer money.

Frank James: My understanding is they can't terminate it, but the termination could happen if we fail to meet our obligations under our agreement with them and in a nutshell, Bob is that a fair assessment?

C. Grannis: If the Conservation Easement is not agreed to by the City before next September, what then?

Bob Carmichael: It's important to understand the Conservation Easement is already in place. It's recorded. It's a legally enforceable document. Frank has been talking about the amendment to the Conservation Easement we've been discussing. There's a number of amendments we would like to see made to it, and those have not been agreed to. We would like to see them agreed to before we transfer the Conservation Easement to a new entity.

Christopher Grannis: What motivation does the City have to do that? Why don't they just sit on their hands until the Park District disappears?

Bob Carmichael: They certainly could do that. I think a good government argument would be let's improve the document from what it is right now, and I think the City has expressed agreement with probably most of the changes that are proposed already and have gone through a steering committee process. I don't think most of them are very controversial and maybe none of them are, so I hope that they will be agreed to for that reason.

Frank James: Thanks Bob. Referring to the steering committee for the master planning process, each of the major changes were brought up and everyone in that process agreed that they were appropriate changes, so I think there's a substantial discussion already taken place with the City about the main changes that are there. We do need to finalize the language and have that discussion with the City, and I have every reason to think they're going to be willing to make reasonable accommodation. We also know a lot more than we knew 10 years ago when it was signed. We know we have a lot more information about how we can preserve, in perpetuity, the qualities in the forest that make it a very special place.

### **Public Hearing on Budget Resolution #24 and Exhibit A's.**

#### **Public Hearing on Budget Opened.**

Barbara Zielstra: I was at your last meeting when we talked about the budget and. I've been thinking about the proposal to do education and enforcement. What I see is having that as part of the budget, while the transition is happening. It would be a really helpful thing to hopefully reset the expectations around this property for public use. And just educating and having what I call like friendly enforcement, where those kind of overlap, so that people understand about dogs being on leash and people understand about bicycles, both speed and load. You know, staying on the paths, that kind of thing. Because it's been kind of a free for all. For these years people are used to using the woods in a particular way, and we recognize that's not always helpful to the wetlands in the forest, so. I would support the budget. But maintaining the levy at the rate it was this year, the four and a half cents would give us enough money to do enforcement and education. And do it in hopefully a comprehensive way.

Nicole Oliver: I am here in my role as the Park Director for the City of Bellingham. I have looked at the budget for 2022 and I was here last year at the same time to talk about the levy continuing. I believe that your role has been clearly articulated in the original metropolitan Park District was to pay back the loan, transfer the easement, and we approved the master plan. So, I feel very strongly that the role of the Park District as it was established, has been completed once you transfer that easement. We are willing partners in that transfer. We would like to transfer the easement at the same time that we refine it. So, we go to council with one complete document. I have responded in writing through our Attorney's office. He's going to be sending that off shortly and I really do think what you promised the community, the five neighborhoods that are being taxed by the Park District and was as stated in your FAQ on your website, is that once those functions were complete you would dissolve. We are in a time right now as a community and as a nation that we have an incredible amount of distrust for government, especially taxing districts. This special tax taxing district accomplished something absolutely ordinary, and we do not want to undermine the legitimacy of what was accomplished. And we do not want to undermine the role of a taxing district that is clearly established and voted on by the voters and then have additional work that the district wants to do and tax people to do it. I am absolutely against it, and I really do think that you guys need to get together with the entity and I think it should be the Land Trust. They're a great partner. They're a qualified entity. There are very few qualified entities to take on this easement. We have a great working relationship with them. You have a great working relationship with them. I think we all together could get ourselves in a room and refine it, transfer it and be done. There is no reason whatsoever for you to continue this levy into 2023.

Hue Beattie: I would like to say for the record that it was 13 1/2 precincts that voted for taxing themselves. It wasn't five neighborhoods; it was parts of five neighborhoods. A precinct is a different political entity than a neighborhood.

Jacob Stewart: My comment is more of a question. I wonder if you guys could speak at some point tonight to the relationship between your own recommended budget for the next year and the way that works with the other three levies that are also up. What I don't understand is what those levies are paying for or what expenses that you might anticipate needing if the recommended budget, that's the work product of the Forest Board. If your recommended budget is to zero out the cash on hand, what's the need for more money? That's my question.

Forrest Longman: I have not attended any of your meetings before, but I would like to start by congratulating the board on successfully protecting this important part of our community. But secondarily, I'd like to echo what Nicole said, that I think that the goals of this board have been met, and looking at the documents I see, it appears that there's over \$250,000 in reserve for whatever closeout expenses might exist. So, not having a full understanding of what still needs to happen, I can't imagine that whatever it is will exceed that amount, so I would encourage you as a person who pays this tax, not to levy any more taxes, and to follow Nicole's advice and work towards dissolving this organization. Those are my comments. I did have one question about the budget while I have you. Is the \$200,000 there I see for the Conservation Easement defense risk? That seems by far the greatest expense in there. I would just be interested to know clarification of what the intended or expected expense is there, or what legal challenges are expected there. Thank you.

Frank James: To briefly answer that, in our discussions with the Land Trust over the past couple of years what they have told us is for them to accept this complex agreement they actually did not believe that the current Conservation Easement we have was easily defensible and that the legal costs of defending it could run to \$200,000. They thought it could be renegotiated, and clarification reached about the elements of it to where it was more defensible and less ambiguous. Competing interests could be clarified from the beginning and that it might be considerably less. It might be as low as \$50,000 and they, like other conservation organizations, have moved to a risk pool system where they pay a certain amount of money into the system, and they can extract that money if there are legal costs to defending the Conservation Easement. We, representing the people that elected us to this Commission have a responsibility to ensure that the \$3.25 million that we paid for that Conservation Easement actually buys something, that we get something substantial in exchange for that \$3.25 million. That's what that item is about. It's about having the resources to defend that Conservation Easement, and at least the main organization we work with so far in negotiating this, that was their estimate of what that cost would be.

## Closure of Public Hearing on Budget

### Discussion of Budget:

Frank James: I'd like to now have an open discussion with our Commissioners about these options and try to come to some consensus and make a decision. Legally we have to probably come up with this decision tonight. If you look at the document that Robyn sent out, you'll see that there are four options that we talked about before.

Frank James: To explain the process here at our last meeting we discussed four different options, Bob. Went and identified the amounts that those different. Taxing formulas would generate. Once he did that, I went back through our prior minutes and tried to develop four different. Levels of funding for different activities that we had identified earlier on in our discussions, education, legal defense, and other items that we thought might be useful. I also reached out to each of you to get your ideas about what that money, what your intentions have been about, how that money could be spent. For example, Hue raised the issue before that wildland fire is a very substantial threat to this place. In the planning process for the master plan, there is no detailed fire plan for this urban forest. One of the things we could do would be to fund a fire plan for the forest to get the work done and offer that to the City. In hopes that they would not only use it for the forest that we're responsible for, but to use a template for making an urban forest wildland fire plan for the other parts of the City as well. Right now, there is no plan. There is no detailed understanding of how these can be prevented, how they should be managed if they occur, and what happens as a consequence after they occur in terms of how we would try to recover this property. The main areas given the various amounts would be an education program. There have been during the time that we've had this property, considerable degradation of the property and that's kind of on us to some extent. We had a Conservation Easement, and the City did not enforce substantial portions of it. There has been significant degradation. One of the things we could do is have an educational period between now and September where we hired someone to work in the forest and to work with Parks to provide signage to provide interpretive work. For example, explain why it's critically important not to let dogs off leash, and why the City has made it illegal. We also could engage the biking community to ensure that they don't ride up on the sides of the trails and don't come down in very steep areas because this leads to the destruction of the wetlands and the destruction of the plants adjacent to that.

Frank James: There could be an educational element funded at several at three different levels. There could also be an enforcement component if the City were a willing partner. I've spoken with the Humane Society. They are interested in discussing having humane officers regularly patrol this area. If we could fund that, they would be able to do it. This would allow for some enforcement of off leash dogs and also ensure that people scooped their poop when they had their dog in the forest. Again, these are things that directly impair the quality of the forested wetland and are something that we could do potentially over the next few months through September. This would be a substantial step in the correct direction to get the public to break from these bad habits that have come to degrade the quality of the forest at this time. So that's two. That's the main differences at different levels, funding to carry out those activities. I'm happy to open it up to any other Commissioner that wants to comment on either those areas or the expansion of action of those areas or any comments about the relative funding levels. Before we talked about funding level of no levy, what has been suggested by our Park Director. Funding at the at 2.25 cent per \$1000 assessed valuation level, 4.5 cents per thousand and Hue had asked that we also developed a budget of six cents per thousand. Now, this is dramatically less than what we've assessed in the past. I believe we had \$0.28 per thousand over the 10 years that we had the levy prior to this, so this is a fraction of that you can see from the various tables the amount of money that this would generate.

John McLaughlin: The four budgets differ I think only primarily in the three lines of legal consultant, enforcement, and education, is that correct?

Frank James: That is correct. And thanks for bringing up that that additional one. The question is, if there was additional legal work that needs to be done, we would need to fund that and if we don't do that now, we won't be able to do it later. The additional thing with legal there was we had a request for all of our communications in a public information request and that I, I believe it was around \$5,000 or \$6000 directly in as much as \$11,000 total cost. If we had a request like that, we would have to be able to pay for that again, so any money that's left in this at the end goes back to the City. It's going to go to the City general fund. So it isn't that this money goes someplace else, so obviously in goodwill would probably ask

the City to spend those funds to support the effort of. Improving this piece of property. They wouldn't be legally obliged to do that, but I assume that we would be willing to ask them to do that in good faith.

John McLaughlin: Just asking for clarification of differences between budgets in those three amounts.

Frank James: That was just a place holding exercise on my part based on what I've heard people say we can modify in any way. If people think there are things that aren't there that need to be added, or things that should be taken away, that's what this discussion is called today.

John McLaughlin: You partially answered my next question in your remarks before this of what those amounts would fund or what those line items would fund? As I understand it, the technical legal consult would be if we have to meet another round of public document requests or if we have a protracted legal negotiation with the City over easement revisions beyond the \$30,000 allocated in a previous line in the budget, and then enforcement, the largest of the three expenses would involve Humane Society people.

Frank James: Or other options? The humane society is just the one that I thought of. These are things that I heard us talk about in the past, and so yes, the Humane Society would be one way that we potentially could get enforcement of, dogs being off leash and people not picking up their poop.

John McLaughlin: What I'm asking is given the magnitude of these amounts and the symbolic importance of extending the levy. Well, I'd like a clear idea of where that money would go.

Frank James: Yeah, so if it were hiring either Humane Society or someone like the Humane Society to do it, there's an educational component. The enforcement component would be to have them hire staff or expensive and so this would be a part of an FTE and the all the materials. It is necessary to actually do that enforcement. This is the last opportunity we will have to do that education. And to do that enforcement and to set the standards for this particular parcel and the City has literally said they do not intend to enforce the bike laws. The dog laws in this parcel of land, they said they are unable to do that. So, if it's not going to be done, it's got to be done before we exit. Does that make sense, John?

John McLaughlin: Yes, it does, I have additional questions. But Hue has his hand up.

Hue Beattie: I remember now they had people riding their bikes through the place at night. I observed this on October 4th riding their bikes through with helmets on and lights at night. I thought why haven't the Park Department, since we do have the plan done, why haven't they put forth some signs? Are any signs going up? Has Alan Marriner responded at all to our requests for changing the Conservation Easement. I'm willing to pass as much as needed to enforce this thing. I don't care if it was \$0.28 per thousand, I'd vote for it. If the City is not going to get on the ball and do what they should do? So that's where I'm at.

Frank James: So, Bob, perhaps you could update us on where the discussion with Mr. Marriner is.

Bob Carmichael: I did have a discussion with Mr. Marriner several weeks ago. I said I would shunt him proposed amendments to the Conservation Easement. He had seen most of them, but I added additional proposed amendments based on master plan language and a couple other updates. I have not heard back from him.

John Hymas: So, did the Land Trust get enforcement and win the last Conservation Easement, the one next to 100 Acre Wood?

Frank James: Well, the way that parcel worked was that parcel was actually donated to the Land Trust. They donated it back to the City with a Conservation Easement that they wrote. So, it was actually the Land Trust land that was being donated. I don't know, but I don't believe there was additional money. I'm not sure they had that policy in place at the time they did it. The policy of having this money to defend what happened was their cost of defending these Conservation Easements grew enough that they couldn't take it out of their annual budget. They had to have some other way to fund it, and so that's what's emerged over the past few years. I think subsequent to that being assigned was that the Land Trust realized they don't have the money to defend these things and they can't take it out of their operating budget, so they have to have some way of establishing it ahead of time. So, I think it's a relatively new policy in the past few years.

John McLaughlin: The Land Trust made that realization you described probably seven/eight years ago and started a policy of requiring funds to defend an easement along with receipt of the easement itself. It may have been slow in implementation, but that policy dates back more than a few years.

Robyn Albro: There were some questions about where the budgets were on the website and I did answer them individually but if you go to the news page of the website, they're under November. If you go down, there's the levies first and the budgets after it. So that was just some confusion for people. They saw the zero, but they didn't see the other. So anyway, that's just the point I wanted to make.

John McLaughlin: How would those additional three categories of funds be allocated? I have a related concern. First some context. I think Nicole made some very compelling points. I had a little bit of context that we wouldn't be having this kind of discussion now. If the Parks Department for the City had enforced its own rules and regulations, we wouldn't be talking about enforcement or the need for so much education, that sort of stuff, if the City had been fulfilling its own responsibilities. That said, I wonder about our mandates and our responsibilities that Bob defended so well, plucking monies to pay off the loan and then serving a protective function for the place via the Conservation Easement. I wonder if we even have legal authority to do enforcement. I thought the City owns the property.

Frank James: Yes, John, you're exactly right. We would not be able to do enforcement without a cooperative agreement with the City. I think Nicole has made it very clear she'd like it just to go away yesterday, that's OK. We need to deal with the mayor. We need to deal with the City Council because I believe that like you do, that if we were going to get results on the things, we care about in terms of preserving this property in perpetuity, we would have had a very different response from Parks already, which we have not had. This is not something we want to do. I think this is something we have to do in order to actually meet the requirements in our mission and to actually get something for those \$3.25 million that we paid in addition to the property.

John McLaughlin: I get that, but what I'm concerned is what we're talking about doing with these monies exceeds the language in the levy ballot. I think we'd be exceeding our mandates, in the case of enforcement, or even our legal authority, if we're raising money, if we're not going to do the enforcement, but the City would with money we raise. I'll defer to Bob on this. I don't know if we're allowed to do that.

Frank James: But clearly our mandate from the beginning to the end of our existence, which will be through September, we will protect this property in perpetuity and will do it in cooperation with the City. Now, obviously we'd want to consult a lawyer about it. I talked with Bob about this earlier today. I think he might have misunderstood that I thought we could do the enforcement. I know that we can't, but the City can. And presumably the barrier to them doing that enforcement is not having adequate resources.

John McLaughlin: I'm not convinced of that. They changed their bike policy in development of the master plan. I think it's more than having resources. I think it's also will. If they don't have the will, even if we provided the money. It's not going to change.

Frank James: Well, the Parks Department and the elected officials in the City are different. The s may not have the will, and I think from Nicole's comment earlier, that she has neither the interest nor the intention to do anything but accept it as is. I don't think that's where we need to stay. I mean, we are elected to represent the people that put the money on the table. Just like the City is elected, we are equal in that sense. We are elected people representing citizens who have put money towards something, and the question is what do we get for three and a quarter million? Clearly, we get a nice piece of property in addition to just the property. And we went all the way to, not through, but to the Supreme Court, clarifying that our role was not just in paying off the debt, our role is to protect the property in perpetuity and do whatever it takes to do that. There are other very nice parks that have all the protections that the City wants to give to this Park that don't have a Conservation Easement. What do we expect for that? I don't think we go to Parks for that. I think we go to elected officials, including the mayor.

John McLaughlin: If people are violating the Easement, I don't think it's our prerogative to hire cops to go and arrest them, detain them, or otherwise prevent them from doing damage. That's what the City does.

Bob Carmichael: John, can I answer your question? Frank asked me this question this afternoon and you're asking the same question. I'll give you both the same exact answer. The City is responsible for

enforcing the laws in the forest. They're responsible for managing the forest. The Park District does not have authority to do that. We don't own the land. We have a Conservation Easement. What I did say was if the City were amenable, the Park District could help fund a position part time, full time, whatever, for some level of education. Our enforcement we would have to have a shepherd agreement with the City to do that. The City would have to be willing to do that and want to do that and to accept the funds to go forward. So, if the City is not willing to do something like that, then the Park District does not have any authority on its own to make that happen.

Frank James: Right, so John, I think your intuition was correct. That's the answer.

John McLaughlin: If we then extend the levy to pay for some, I don't think that works. So, since the City owns and manages the property and we have an easement, that directs them how to protect the property. I think if they don't fulfill that obligation, our recourse is legal. It's not on the ground enforcement.

Frank James: But John, we're not suggesting that we would be doing the on the ground enforcement. We're providing the resources for the City to.

John McLaughlin: Do it right. but if the City is not going to do it... OK, so before we extend a levy you know on the payers of these 13 precincts. Uhm, do we have any agreements from the Council or the Mayor that they would be willing to go forward with this kind of thing. I guess given what some of us said at the last meeting and what Nicole mentioned tonight, there is a considerable cost of extending the levy and before we incur that cost or impose that cost on our constituents, I think we ought to be clear about that the City would be willing to use these monies for that purpose. And if not, then I think we risk not achieving our purpose and incurring the considerable costs and trust and public will. I understand that we need to make a decision on this tonight. But I would feel very uncomfortable making a decision to tax people, to acquire money that we cannot spend or that the City will not accept.

Frank James: I hear what you're saying, and I think that's a point of view. It is something that we should consider. There's a good faith issue with the people we represent. I think at the end of the day, we're going to have to use our own best judgment about how achievable these things are. Education we can clearly do, and we don't need the City to do that educational component we could have always done. The actual enforcement stuff is as you say. We don't have a formal agreement with them. And the question is, do we want the capacity to do it? If we don't put it in there, we won't be able to do it. If we do put it in there, we might be able to do it. That's as far as I can save it. Ed Grumbine you've been waiting patiently.

Ed Grumbine: I'm seeking some clarification by attempting to provide some clarification. So, I would love a response from the board members. In response to my attempt at clarification here so our relationship with the City is a work in progress. Just as our relationship with a group that would take over the Conservation Easement is also a work in progress, we don't have definitive answers to the questions around the easement and we don't have definitive questions around our ongoing relationship with the City, both in terms of the City as elected decision makers, the Council, and the mayor, and the City as the management bureaucracy of Bellingham, represented by the Parks. And so, if we must make a decision about the levy tonight, then we need to keep clear about both of those works in progress because both of them will likely require some level of funding. The other point of clarification I'd like to make is that we already have funds available to do X amount of work on both of those unresolved issues and those funds are represented by the \$270,000 in balance that we have clear and free without the need to add to it with a levy at whatever level we might decide tonight. So, it's not like we have no money in the bank to fund both processes that are at this point still unclear in terms of the future of the Woods. So that's good to know and I'm just trying to put it out there to help us move forward as we make a decision. I'm sympathetic, less with the Park District than I am with the citizens we heard from in regard to why we would need to increase our funding beyond the 270,000 we already have as net in in our budget. I'm sympathetic to that, though, that doesn't mean I wouldn't choose to vote for a levy. The way I work with budgets is that I have a certain amount of money available and then I match that money up with specific projects that I could spend it on. The work that the board has done to provide detail on exactly what monies would go toward, in this case enforcement activities, whether we pass that on to the City or not, and education levels where we would fund ourselves, it's unclear to me the specifics of what the costs would be. That would then influence our decision to add to our 270,000 balances with additional levy funds. That's an outstanding question that Frank you might speak to in a moment. Last but not least,

regardless of what money we have and how we choose to spend it and whether we augment it with a levy, we are bound whether we like it or not to work with the City simply because they're the management agency on the Forest. And as all of us know from our past political experience, you can have elected officials, the bosses, if you will, in the form of a Mayor or City Council and an administrative agency to do XY and Z. But if they don't have the will to do that, they can always find ways around it. I've seen that happen with city parks, state parks, national parks, and with different parks in different countries. We have to be very careful in terms of our relationship with City Parks. Despite what I might label as their disingenuous remarks this evening in regard to how this board might continue to function or not, when, as we all know, the City Parks have not taken on their responsibility to do the management that they already have been charged with. But we have to be realistic about that. So finally, I would say that we, despite whatever decision we make about levees tonight, we have two major actions that we need to attend to as soon as possible. One is getting together with the City to find out exactly how much they're willing to work with us. Nicole mentioned that a meeting with City Parks and the Land Trust might be something that we should work toward as soon as possible, which leads towards the Conservation Easement and any amendments that we might wish to attempt before selecting a partner for the long term. I say these things just to try to get clarification on the various positions that have come up this evening and I'm happy to get feedback or more clarification from fellow board members and I'll end my remarks there.

John Hymas: OK. You make a lot of sense, and I was thinking about it at the last meeting. Frank mentioned the Nature Conservancy likes to use a steward. That's nice and I think it's a great idea, but what does the steward do when he sees violations? He tells the City or Parks, so I mean we're stuck. I don't know. I think that the Land Trust is becoming kind of good old boys with the Parks. That's the way it sounds to me, and they aren't big on enforcement, so I think we're between a rock and a hard place. So, I don't know. Maybe we ought to do what Nicole says and meet with the Land Trust and with City Parks and try to work something out, but I don't know. I'm not really wild about continuing taxation either, but Bob might have a better idea about what we might run into and why we may need more than 270,000.

John McLaughlin: I have a suggestion for a potential way out of that rock and hard place squeeze. So, as I understand, Frank has articulated quite clearly and compellingly the concerns of the Park District of the City's failure to meet its obligations, intentions to continue not meeting its protective obligations as described in the Conservation Easement. At the same time, that's our concern and we're wrestling with how to respond to that. The City has a concern they don't want us to extend the levy. They're concerned about Greenways. They're concerned about all the other reasons why they're going to ask taxpayers to pony up more money. So, I'm wondering if we could use the levy as leverage to get the City to act and essentially say look if you are willing to actually invest some resources or to use the resources you have to address our concerns that aren't being met, then we wouldn't need to extend the levy to raise funds to address those concerns that you're not meeting now. Perhaps that's a negotiation. It would take more than zero time, but perhaps could be resolved in one meeting. That obviously can't happen tonight, but I'm wondering if that's a way where we can restore some cooperation with City leaders and with the Parks Department without alienating the taxpayers.

John Hymas: I think another bit of leverage possibly would be bringing up Northwest Indian College as a third entity in this deal. Whenever you bring up the natives, then the City takes note. They seem to be friendly with the Land Trust these days. That's just another maybe bit of leverage we could use.

John McLaughlin: That's an important consideration, but I think that unnecessarily complicates things, because right now, it's a difference of conflicting issues between us and the City. Going in both directions, we're frustrated with their lack of honoring or enforcement of the easement, and they're frustrated with us proposing to extend the levy. If we throw in the third party of the easement recipient, I think that complicates things.

Frank James: it's just due diligence to look as far as you can and to include as many options as possible. So, over the past week I've contacted over a dozen organizations. I've had detailed discussions with them. I provided many of them information about what we've got so far. And there are a couple of other very reasonable choices for us to consider. I've looked at national organizations that have local contacts. I've looked at our various local organizations and we're going to have a report about that when we're done with this, but just to let you know, I think there are other very viable alternatives to the Land Trust that we should critically evaluate. They may be a better fit than the Land Trust, but the Land Trust is a perfectly

good legitimate organization. We've done a lot of work with them already. We've got it very close to the goalpost, and I think if we could have agreement with the City and the Land Trust about the details, I think that clearly could go forward. They're not the only options that we have, and it's not a mean-spirited thing. It's about who can do the best job. The Land Trust does have ongoing negotiations about a variety of other issues with the City, so we have become a bargaining chip at one level. The Land Trust has not been good stewards even of their own Conservation Easement on the property next door. You know that John. There are the other options, and clearly Northwest Indian College is a viable choice. I think they meet the legal criteria. I think they have a strong interest. I think they would do a good job at it, but there are others and I'll talk about those that I've contacted and what they said. I don't know if we need to bring that in at this point, but just know that I think the Land Trust is a very viable choice. I think what we all bridle under and don't like is the idea that the City and Land Trust is making a deal behind our back. They're going to decide what happens there, and we have an obligation to the people that elected us to achieve some goals that aren't subject to some other higher goal that the City or the Land Trust might have. I just think we need to think about those. So, do we need to decide that before deciding this? I don't think we can at a practical level.

Bob Carmichael: The other challenge, John, about your idea of meeting with the City before making a decision on the levy is we only have until November 30th to adopt the levy. If we're going to adopt one.

John McLaughlin: I made that suggestion with hesitation, but I saw it as a way. Extending the levy to some is a nuclear option and if we can achieve our goals without resorting to that, I think would be good.

Frank James: Why is extending a levy a nuclear option? I don't understand that language.

John McLaughlin: I've received comments from constituents questioning why we collected the levy this last year and I tried to explain that. Certainly, if we continue to collect the levy when the loan has been paid off, a lot of people don't understand that. And if we're collecting a levy to address enforcement or to address issues that the City is not addressing, then that makes it even worse. Again, maybe it would take one meeting. But if we could basically say look you want something, and we want something and there's a way in which both parties can get what they need. I think that can work. And I think that would make the City happy. It would make us happy and. Perhaps most important, we make all the constituents that enable this in in the first place happy.

Bob Carmichael: We could do a special meeting. We could try to have a meeting with the City if it's willing. I would note that Nicole Oliver has had her hand up for some time and it might be good to hear what she has to say. But from a practical matter standpoint, we could schedule a special meeting at the end of this month and postpone a decision on the budget and the levy until then, pending the attempt to dialogue with the City on this. That's possible if the board schedule will permit a special meeting before the end of the month.

Nicole Oliver: Hi again. So, a couple of things. I want to tell you something that I forgot to tell you. We hired Herrera to do the design and implementation of phase one in the Park. I think that's really important information to demonstrate not only our commitment to moving things forward as far as making a difference in the Park and addressing the wetlands and the trails that are in wetlands and putting up the signage. I also want to make sure to correct a couple of misstatements. We have never said that we are not willing to do enforcement in this Park. Enforcement has been difficult because we don't have signage. We depend on our signage to reinforce it and we have Park ambassadors. The notion of us not being willing to do enforcement, well I am very sorry that you ever felt that. We're super excited about working with Herrera on phase one. They have a great team. We're going to have \$650,000 in the capital budget to implement phase one. Resources are not the problem. So just to clarify some of those things, I also want you to know that the mayor would have been here tonight. He was in another engagement in Seattle. He was very aware of what I came here to say. I came here as his Park Director, and he is very much in alignment with my comments this evening. Would very much like to not have you feel like the City is not your partner in this we have done a ton of work in this Park. We have been dismantling and removing camps on a very regular basis as well as bike infrastructure and we have done a ton of work parties. We have built one wetland crossing with our partners with Recreation Northwest and the thought that we have not been caring for this property is I think also not accurate, and I would beg to differ. Because of the limits within our relationship as the Park District paid back the loan, there were several

times we came forward to you guys and proposed wayfinding and signage proposals and we were never able to get a clear direction from the Park District as to what those signs should say or what the wayfinding trail plan would be. So, we were never able to install any signage and that was not entirely on us. It was also on the Park District.

Ed Grumbine: When did you do that, Nicole?

Nicole Oliver: We came in 2017 with wayfinding plans to the basement of Fairhaven Library, and we're trying because people kept getting lost in the forest. So, we really wanted to put up some signage, but we could never quite agree on what the trail plan should say because it's a little bit hard to you make that commitment to a sign that says these are the trails when there's so many trails that were encroaching in in very sensitive areas so it's hard to overcome that.

Frank James: But you are putting that on us, we didn't decide.

Nicole Oliver: No, I'm saying that we did try to put up signage. That's all I'm saying, but we weren't able to under the current rules of our interlocal agreement, we were not able to do things like that without your permission. We couldn't come to an agreement on the trail wayfinding. I'm saying that we have been doing everything we can to be stewards of this property, and we're committed to doing that, continuing to do that, and doing it in a much more meaningful way now that we have an adopted plan that sets forth how we're going to do that. And we're going to be getting in there and designing the trails and working with your consultant who wrote the stewardship grant to help us and guide us in that work. And I'm really excited about that. And I also want to make sure that you understand that my concern about the metropolitan Park District is not because there's not valid and important work to do that we all want to do. It's not that. It's that we have an obligation to the taxpayers to be very conscientious in doing what we say we're going to do when we ask them to put forth money on their taxes to pay for things, and we can't add things to the mix that weren't articulated when they approved the tax, because that undermines the legitimacy of a metropolitan Park District or another taxing district, and that is my concern. It has nothing to do with the fact that we need more education. We need more enforcement. We want to do those things and the ways that we're going to get to there to those things is by implementing phase one of the master plan and actually getting the trails out of wetlands and starting to mark where people can go, starting to do planting and putting up wayfinding, and putting up some note notices and fencing on those sensitive areas. And I mean, we're actively ready and willing to be partners with you. I'm here at the mayor's behest, he knows exactly where we're at with this and I don't think I have anything else to add except that everyone is really excited about getting to work and starting to actually do things. I am shocked that the Humane Society said if we just paid them, they would come and help us with enforcement because they have helped us on the Interurban Trail several times with some targeted work that we do. We have been putting out our money and we have been building up our Park Ambassador program to help us with enforcement in the Parks. But I want to make sure you understand. We've got a real lack of Labor right now, so the idea of being able to hire someone in the security field is, I'm not sure if you know how hard that is and how many different people are being hired to help supplement the lack of police in our community right now and in many communities, so I just wanted to also add that.

Frank James: I have three specific questions? I'd love your answer for when will the City enforce off leash dogs in the Chuckanut Community forest? When will they get poop and scoop effectively enforced in the Park? When will they limit bicycle speeds to 12 miles an hour or 15? Whatever it is currently, there's a whole group of bikers who think it's their job to put their impression on this. They go through in a large group. They go through day and night. They're specifically violating the things we're called out in the review of why bikes damage wetlands. By being there at night and by being there in large groups and by going so fast, I've seen them, Ed has seen them. When are you going to do something about it? If you want to enforce it? We've had this Conservation Easement enforcement for 10 years. When are you going to enforce those things.

Nicole Oliver: The rule in the forest has always been dogs on leash. We just instituted the 15 mile an hour speed limit for bikes when we allowed ebikes on our arterial trails and those signs along with trail courtesy signs are being installed along the arterial trail network. We are not putting in a whole bunch of heavy-duty big signage, into that Park, into the 100 Acre Wood. The signage is part of phase one. So, we just hired Herrera where we are negotiating a scope of work and a timeline and signage is #1 on the list along

with installation. Every time I'm there, which is often, I also ask people to please put their dog on a leash and I hope that everyone does that. We need to work together as a community with peer pressure and helping to enforce things and having those signs up that remind everyone what the rules are.

Frank James: You're not going to do enforcement then? Is that what you're saying? That's what you're going to do, Improve signs?

Nicole Oliver: I'm saying that the signage helps provide our Park ambassadors with the tools to remind people what the rules are, but Frank, these things are outside the scope of what you're here to talk about today. I would love for you to open up your public hearing on the actual levy amount. I just wanted to remind everyone that we are committed partners. We are committed owners of this property. You have a Conservation Easement. That's what the \$3.25 million paid for is the Conservation Easement. That's in place. I am willing to help work together to refine that easement and transfer it to whatever entity you would like to transfer it to, and I'm willing to work together with you guys to do it.

Bob Carmichael: Nicole are you willing to sit down with the Park District itself? Parks Department and Park District and discuss the specific amendments to the Conservation Easement so that perhaps we can come to an agreement on what it looks like?

Nicole Oliver: When I went through the revised amendments that you submitted to us, the main problem that I have is that there was an exhibit with a trail plan. And I don't know how we can identify what the trail plan is when so many of those trails are going to be moved and redesigned. That's my main concern.

Bob Carmichael: OK, thank you. That's helpful, but that wasn't my question.

Nicole Oliver: Yeah, I'm willing to sit down. I think that you guys need to pick your entity and we need to get together and do it all together because whatever easement refinements we need, we're going to need whatever entity you decide. And I respect your process to pick your entity to identify to transfer this easement to. But we want to make sure that whatever that entity is needs to also be in there. We know what the Land Trust needed, and you incorporated that in your amendments. But I think we need to do it all as one and that's what our legal department would like to do.

Bob Carmichael: Yeah, I understand that, and I get it. My concern with the approach that has been taken so far is that I think it's causing unnecessary delay, because if what you said is right, that you basically thought everything was OK except for the trail plan, we could sit down and say OK, everything is accepted except for the trail plan and that would be a huge win in a one meeting negotiation. We could say it's all good. It's all done. Now we just start talking about the trail plan. We would be so much farther down the line if we could do that. As I've told Alan Marriner, I'm trying to help facilitate this to make it move forward, but if you're going to take the position that we have to have our entity decided upon and then you have to meet with that entity, you've heard Frank say we have a due diligence process to go through. That's going to take time to go through that. I think that if we got the Conservation Easement in a position where it was acceptable to the Park District and the City, which based on what you just said, I think we probably could in short order. We can bring in an entity then and probably have this Park District dissolved well before September and save the taxpayers a lot of money. But by saying we're not going to talk to you until you get an entity, everything gets pushed out.

Nicole Oliver: I'm not saying that. I'm saying that I think that it would be a better way to go about it, and I don't know how long it's going to take for you to evaluate the potential keeper of the new easement. I thought the last time we spoke we were talking about Rand Jack's personal lineage preferences in the forest, so I thought you guys were kind of on that path.

Bob Carmichael: We might get back to that, but I'm just trying to move it forward.

Frank James: We are on their path, but reality is the thing that the Land Trust told us is our Conservation Easement is not defensible. That's why they do the \$200,000 requirement. That's the problem. We need to get that cleaned up before we can have a reasonable discussion with most of these players.

Nicole Oliver: I don't want to overstate my approval of all of the changes that you made. There were a couple other tweaks, and I know Alan has also reviewed it. I know it's on his list of things to do was to get that back to you and try and sit down and have a conversation and I'm kind of relying on the City Attorney

and his expertise in negotiating the City's concerns with this easement. So, I want to make sure that he is kind of leading this. The Parks Department doesn't negotiate land rights, the City Attorney's office does and then it's up to the City Council. So ideally, in a perfect world, I'd love to get us all together on the same page and bring an amended transferred easement to the City Council. And I just also want to also put out one little thing the interlocal says. Once the City petitions the Park District to dissolve, which happened on September 16, they have up to a year, or they lose the Conservation Easement.

Nicole Oliver: There's no way I want that to happen. What I'm trying to advocate for is I think we're really pretty darn close and I don't think that some of the other passions that this group has are properly going to be manifested and make a difference through the Park District, because the role of the Park District didn't include those other things and that's where I'd really like to get us on the same page so we can report back to the community that the work is done. We've transferred it. We've refined it. It's defensible, and we have enough money in the coffers to defend the easement and the entity agreeing to take it believes that the easement is enough to easily defend. I think the issues that were raised by the Land Trust before were all those wacky uses. You know, we've clarified that, so I think we're close, but this determination that you guys have to continue to tax the community, to continue to have meetings about things like paying the Humane Society to enforce dog off leash is a little bit out of hand. That's why I get a little bit upset when I gave my comments because it undermines legitimacy of the importance that you guys accomplish, which was just so awesome. So that's where I'm at.

Bob Carmichael: It would have been a lot easier to evaluate the need for the levy, if a levy is needed, if we knew where we stood on the Conservation Easement from my standpoint, and I know we've been talking about a lot of other things, but the Conservation Easement, it does need to be amended. The Park District has the right and responsibility to decide who that goes to. The City doesn't get to approve who the Park District assigns the Conservation Easement to as long as it's a legitimate 501(c)3 corporation, and the only way the City could stop us from assigning that Conservation Easement to an entity of the Park District's choosing would be to sue the Park. That's the only way and you know then we'd have a legal fight. And have we budgeted for that legal fight? No, you're telling us we shouldn't be levying anything. So, the City has put the Park District in a difficult position with respect to the levy decision. If the City would have met with us, we've been asking to meet to resolve these Conservation Easement issues, we could have, and we still could. We could narrow it down, I think, based on what you're saying and maybe even knock out 100% of them, but by putting the requirement of we're not going to talk to you unless you bring in the entity that you're going to assign it to first and we all talk about it at a table. While that might be ideal in a normal situation, it's not a normal situation. We're dealing with a time limit here and we all know what that is. We're dealing with the need for a levy if we have to expend money to accomplish certain objectives. If we could get an understanding with the City, I agree, we wouldn't need a levy. It's going to be up to the board, but right now where time is not on our side and that's why I think John McLaughlin has a reasonable suggestion, although it's hard to imagine everything coming together before the end of November. Trying to see where we are with the City would have been a lot easier in evaluating this decision, and I'd still be willing to make time in my schedule to do that if the City would like.

Nicole Oliver: Two things: I did not know that you were having a public hearing on the budget, but to change the levy until yesterday.

Bob Carmichael: That's an annual thing we have to do by the end of November.

Nicole Oliver: I thought that you approved a two-year levy last December, so the notice that I got the agenda was posted and was sent to me yesterday. We do have other things that take up a lot of our time and it has Alan. As you and I have talked about it and I think we talked at your last meeting about it, you and Alan and Rand Jack in a room, but I don't think that you're at that point anymore. As an idea, I listened to your last meeting, and it became clear that wasn't where you wanted to go. After I left your last meeting, you were going to be evaluating other entities. And I know that Alan comments about transferring first and then renegotiating it did not go over well, and I understood what you were saying. I can try and schedule something. I don't think we need to have a whole public meeting about it. I think you need to have your Attorney and one of your board members and see if we can sit down and see how far away, we are on the easement. And I'm willing to do that within the next week.

Frank James: Nicole, I think what we need is pretty simple. We need assurances that there will be adequate enforcement to prevent further degradation of the forest and that means controlling off leash dogs, scooping the poop, and limiting excessive bike traffic at speeds and at times that are that are known to be injurious to the wildlife though. We need to move forward with revising the Conservation Easement. We went through all this in the process of the master plan and agreed to it. I think that's easy. We've kind of already done that work, but we need that close to done before we can negotiate who was willing to defend it. If we can get that part done, forget about the trail plan. All trail plans are figurative until a definitive one is made and that hasn't happened. We've worked really hard, I've worked hours and hours trying to offer for model trail plans that could work, but that's not essential to the Conservation Easement. I think we can get that work out so and moreover, I think we all want to go home. We don't want to keep this thing alive. Certainly, we don't want to charge people more money to keep it alive. In terms of taxation, we don't want to do that, and the sooner we go away, the better chance there is of the greenways levy actually passing. I mean, we all know that and we're all fans. We've all worked on the Greenways levies. We want that to happen. If you can meet us halfway on these things and come up with reasonable proposals, we can go away really fast. All this money about education, all this money about enforcement is to do things that we believed honestly, sincerely that you were not going to do.

Nicole Oliver: I guess I don't understand how. But the word enforcement, those types of things are not in the Conservation Easement. There's nothing about dogs or bikes in the Conservation Easement, so our ability as a community to enforce degradation in our Parks is, you know, the more people that we have and the more education we need to do and we have got to up our game as a department, and that's one of our priorities for the next year we have. We don't have a communications team like the utility funded departments do and I would love to have more communications towards things like that. But we are doing what we can, but we're putting \$650,000 toward phase one implementation that is including getting everyone, dogs, bikes, and people out of the wetlands of the main trails and I don't know how much more commitment you guys need for our dedication to that cause than that.

Hue Beattie: I'd like to see you put some signs up, at least at the entrances to the Park. That would show me some commitment.

Nicole Oliver: You want some signs, like a dog way station. We need to create that sign.

Hue Beattie: Get them up at the entrance. That is the beginning of education that keeps the yahoos that just never been seen the place before from going in there and screwing it up. And then you can worry about the interior signage stuff. Get the fire department and its budget changes there too.

Ed Grumbine: This is a very helpful conversation, and I don't want to have us go round and round and repeat ourselves. So, I can make one observation and one suggestion. Two observations actually, unless you are not seeing what I'm seeing every time I go into the woods at all the major entrances. There are signs that say dogs must be on leash, so whether those signs are adequate, large enough, etc. they do exist. I just saw one this morning. Observation #2 refers to the money in the budget that I've pointed out a moment ago. So, if we chose not to levy going forward, we have \$270,000 in the budget which is at least more than adequate to meet the Whatcom Land Trust concerns, which I believe Frank mentioned were \$200,000 something. We have some amount of cash. Those are the two observations. The suggestion I have is that the board as a whole or some representatives of the board meet with due haste with Nicole and the City Attorney and our Attorney ASAP, preferably before the end of November. If the entire board was going to be a party to meeting with Nicole, I can say that I'm ready to meet virtually any day except for Thanksgiving. Nicole has been great. She's clarified her previous comments. Thank you, Nicole. Nicole has said that she's willing to meet. We have said that we're willing to meet. The only thing we have to do is meet, and so I would suggest that we consider what day that could happen as soon as possible so that we can meet our obligation of the end of November.

Bob Carmichael: Just to clarify Commissioner Grumbine We probably don't want to have the whole board meet because that would turn it into an open public meeting and defeat a lot of the purpose of the discussion. So, my suggestion would be one or two board members. It can't be three because that would be a quorum.

Frank James: Nicole, I would be more than happy to meet with you, and I would hope at least one of our other board members would be willing to do that too, just hammer out a practical way forward. I don't honestly think there are barriers if you're willing to consider the issues that we have. And if we can come to some agreement about those, I think we can move forward very expeditiously. I really don't think there are that many barriers, but. There are certain things we need to know, that this land is going to be protected in perpetuity for the qualities that we have struggled to preserve, which is the ecological integrity of the forests or wetlands. We need to hear that you're going to do that in in some detail and that there can be an educational component, there will be an enforcement component that those are all things that you and I agree about. I think we all agree about the questions. Now when is this going to happen and well, what we buy for 3.5 million is a Conservation Easement on the property. And we need to have a reasonable plan to preserve the property above the standard of a traditional park. Northridge Park is a beautiful place with lots of big trails and it's a great place as a Park. What it seems like we've been offered so far is another Northridge Park without additional protections for very sensitive wetlands. There are the two main salmon streams, two of the three in the City of Bellingham. There is an ecological component of this that is important. One of the reasons I talked to the tribes is this is about salmon, which is about orcas. That's not an inconsequential thing. We really need to preserve the quality, and ideally, we need to do that in coordination with the other easement that you already are working with, one on the Land Trust, which is for the Beaver pond, and hopefully to resurrect that so that the \$1,000,000 structure that now goes under Chuckanut Dr allows salmon to come up there and that they actually return. But we agreed that this was a great thing to plan in a larger way, because it's a larger problem and it needs that integration. I think we could if we could just sit down and talk that through and have a plan that's understandable by everybody, will assure education, will assure enforcement, will assure that ecological function is preserved. I think we're on business, we can go away in February, not September, and that'll be a better thing for you. And happily, we just need to achieve those goals clearly, unambiguously, and in a legally binding way through the Conservation Easement. I mean, that's what we owe the people who paid the money. So, if you're willing to do that, and I think we're willing to do it, I think we can.

Nicole Oliver: Let's do it. Let's do it next week.

Frank James: So, if we can do it prior to the last week in November, we can still pass whatever leverage we need to or don't need to based on that. I think it's a superb opportunity for everybody to get what they need. I think I see that as a possibility, and I think we should do everything we can to achieve it.

Nicole Oliver: I agree. I just want to do one cautionary moment. We're not going to further constrain the Conservation Easement beyond what is articulated in the master plan. So, if the Park District is trying to further constrain the Conservation Easement beyond the master plan, that's not going to work.

Frank James: So, Bob is that the case or not?

Bob Carmichael: I think the City has the ability to take that position. Honestly, I don't blame them. I mean, they've gone through the master plan process, and they have what they have that was a public process. I do think we need to clean up the Conservation Easement.

Nicole Oliver: I agree you know.

Bob Carmichael: And I think it can be made better, probably even than the iteration that I gave.

Nicole Oliver: I know the language that I think helped, that Michael Lilliquist helped write, I am OK with.

Bob Carmichael: That's important language and you may remember Frank that was language Land Trust wanted.

Nicole Oliver: So that's the important language, yeah? That's fine, so I think we're we can do it if we sit down and talk and can I reach out to you, Bob to try and get that scheduled?

Bob Carmichael: You can if that's OK with Alan or he can do it.

Nicole Oliver: I can look at his schedule and I'll talk to him about it. There's a lot of stuff going on right now, so I may have to get another Attorney to help us with it.

Bob Carmichael: We've all got a lot of stuff going on. I know we do. I'm sure you included time to do this. I know I don't, but I'm going to make time in my schedule and do it. I can't do it before Tuesday of next week, but if we can find a mutually agreeable time Wednesday, Thursday, or Friday?

Nicole Oliver: OK.

Bob Carmichael: Let's try for that. Assuming we can have one or two Commissioners available, I would respectfully suggest that Frank be one of them and then who the second one is, I think we should decide that, but I think it'd be good if we had two probably.

Nicole Oliver: OK, thank you and I'll let you know.

Frank James: I'd like to, in view of what we just said, that we defer a decision about the levy and about the budget until we further resolve these issues. And then we can make a much better and much more informed decision.

Bob Carmichael: But we still do need to open and close the hearing on the levy. There may be members of the public who want to speak on the levy.

Frank James: Here we're talking about the budgets now, but my proposal. Is that we move forward with the task.

Bob Carmichael: You do not need to make a decision tonight on either one if you're going to have another hearing or another meeting, but we should talk about availability of Commissioners, if there is another one that wants to participate.

John Hymas: My schedule is flexible as far as accompanying you Frank to a meeting.

Hue Beattie: Count me out. I can't make it.

Ed Grumbine: I'm happy to participate and I'm open every day next week. 100% available.

Discussion of potential dates for meeting, potentially Thursday or Friday next week with John Hymas open for Thursday, and Ed Grumbine and Frank James open both Thursday and Friday, as well as Bob Carmichael.

Bob Carmichael: You're having board discussion on the budget, and you have invited some additional comment. You can simply defer at this point if you choose, you could either reopen it and take more public comment, or you can just defer decision right now to a future meeting.

Frank James: So, I would be open to a motion to defer this to a meeting prior to the 30th of November. If somebody would like to make that motion.

John McLaughlin: Maybe we're talking about the same thing, but I just want to clarify, do we have two meetings, one for the budget, one for the levy?

Frank James: There are two hearings, one for the levy, one for the budget exactly, and so we've closed the public hearing on the budget, and we've got to open the public hearing on the levy, so whatever motion is made now would be with respect to the budget piece.

Robyn Albro: One point I just wanted to make is for the timeline for the levy. If we do decide to do a levy, it has to be filed with the county on the 30th, so we would have to meet before the 30th.

Frank James: Which means we would have to meet sometime between the 21st and the 29th.

**Motion** by John McLaughlin is that we will have a meeting before the 30th to make a decision about the budget and continue this conversation for that next meeting. Hue Beattie: I second. Approved 5/0.

### **Public Hearing on Tax Levy Resolutions #23.**

#### **Open Public Hearing on the Levy**

Robyn Albro: we have some questions that have been sitting here for a while. From Christopher Grannis, the deal is the 3.25 million the taxpayers have paid for the easement, if the City eliminates it, and taxpayers sue the City. Who would win?

Frank James: So, Christopher, it's my understanding that the City really can't eliminate it. I don't think that's a possible thing for them to do. There is an existing Conservation Easement now. We lose that Conservation Easement if we do not assign it prior to the end of one year after the master plan was established. And if we lose it then that's on us, so we wouldn't sue anybody. Does that make sense?

Bob Carmichael: I could add one more thing to that that. The \$3.2 million went to pay off the Greenways Endowment Fund loan, which purchased the property at the time. The mayor Kelli Linville was actively considering shelling part of the property off to allow for development to help pay for the City's acquisition of the remainder of the piece. And so, in a very real way, that \$3.2 million just to be clear because it didn't just purchase the Conservation Easement, it secured the land and it prevented the City from selling it for development, which was the whole purpose of the formation of the Park District and the levy. I would say there were two points of consideration, one was turning the land into a public park forever and the second was securing a Conservation Easement to ensure its management would be consistent with preserving the natural functions and values of the land primarily.

Barbara Zielstra: Hi again. It's been very informative and Nicole, I really appreciated your comments and hearing you. I think my concerns about the woods and thinking about we could do enforcement and we could change these things. I didn't even think that's really not in the purview of the Park District so I'm very optimistic that we'll get the Conservation Easement that we want with Nicole's help. And you have to remember they're doing \$650,000 next year. And probably not all in one year, but they've put into improving and protecting the wetlands. And that's not an insignificant amount of money. That's a lot of money that the City is putting in. And the other thing in terms of the public hearing about the tax levy, as this has been going on tonight, I thought about it because I worked a lot, doorbelled, talked to people to pass the levy. There was a big concern people had, not everybody, but I heard it enough. This will never go away. This is just going to be another taxing district and I said oh no, they're really committed. We're going to raise the money, and then the Commission will go away. I think there is an expectation for a lot of people in who've been paying for this that, and Vince referred to, that don't understand, and it could be a very significant issue. I'm very hopeful that we get the Conservation Easement worked out and we don't need a levy. We have the \$270,000. We don't need a lot in legal fees. We're going to get that straightened out and nobody is going to be upset and we won't need a levy, and that's when we do the Conservation Easement in a more appropriate way. We might not even need the 200,000 for what the Land Trust talked about. So timing is all the issue, but right now I really am crossing my fingers that we don't need a levy for everyone's sake. And thank you all.

Jacob Stewart: After listening for the past two hours and a half to the boards hypothetical expenditures that would require the passage of additional levy, what I've heard is dumb things like paying to staff the forest with doggie doo docents paying to prevent people from using flashlights at night on bikes, raising funds to potentially sue the City in future litigation. Those are silly things to raise money for. In fact, those are almost crank suggestions I would say, and I can't imagine that it would be anything other than the object of public ridicule or even perhaps proper anger. Despite some assertions tonight, it's clear that the board is having some trouble letting go and going home. I would encourage you guys you know to do that. It's time to dissolve. It's time not to pass another levee. It's time to let go of the dog and bike issues. Those issues have been adjudicated and I'm sorry that some people on the board didn't get their way, but that's the way it falls sometimes. Thanks.

Forrest Longman: Thank you. I wanted to reiterate some things that have been said. After listening to the board go over why there is a potential need for a levy. I guess I actually want to preface this by saying that I voted for this Park District when it was on the ballot, and I've happily paid my taxes for it ever since then. But the purpose was to preserve the Chuckanut Community Forest or the 100 Acre Wood, whatever you want to call it and that's been achieved. The notion that the Park District would continue to stay around to levy additional funds for enforcement and education is beyond the purview of what I voted for, and frankly, I think it's a little bit absurd. You really need to think about that and when you talk about the fact that you want to levy an additional year to provide those services. But then you're also talking about you're going to dissolve within a year. Those two things feel at odds, so I don't know what could be achieved, even if it was within your purview. To do those things, what could be achieved in that nine-month period that you're discussing? I think it's important for the Park District to stick with what was promised. I think Barbara made a really good point that I was one of those people that was concerned

that this was never going to go away. And what I'm hearing the Park District Board talk about is trying to preserve their authority and their funding to act outside their purview, so I hope that you can resolve this with the Parks Department quickly and we can move on with quickly assigning the conservation agreement and dissolving well before the dissolution date is reached. Thank you for the opportunity.

Vince Biciunas: I just want to say that I'm encouraged at the thought that you will be meeting, that Bob especially will be meeting with Alan or whatever City Attorney is designated and Nicole Oliver and the powers that be and sort this out both so that the levy does not need to be passed and that the budget can be approved before December 1<sup>st</sup>. That's great, but that the Conservation Easement will go forward, and everything will go smoothly. I admit I have a little bit of a Pollyanna attitude, but I also understand the anxiousness in the community about us not going away, about the Commission not going away and I want to encourage you that since we have 274,000 in the kitty and we're not going to spend all of that this coming year on operating expenses. That money needs to go back to the City, and we don't need a new levy. I really do believe that. That's just my two cents, thanks.

Hue Beattie: I would just like to remind the viewers that it was February 12th, 2013, when we voted to establish this district. That was ten years from now would be. Now well into 2013 so. And we'll be gone before then.

Christopher Grannis: Well, I think you all came to a really good idea. Have a meeting ASAP to try to resolve the Conservation Easement issues. And I hope it's a successful meeting and I think that's a really good outcome, if it is. Thanks to all of you for all the work that's been put in. This has been a tremendous meeting. I think things worked out very nicely. Thank you.

#### **Public Hearing on Levy closed.**

**Motion by** Hue Beattie: I move that we continue this to the next meeting. The next meeting will be within the next two weeks.

Discussion of when the special meeting will be held. Decided on 5:00 o'clock on the 28th of November. Robyn will send out a special meeting notice.

**Motion by** John McLaughlin to have a special meeting on November 28<sup>th</sup> at 5 pm. John Hymas seconded. Passed unanimously 5/0. So, we will continue this meeting for a completion of the discussion of both the budget and the tax levy too. Monday the 28th at 5:00 PM. The in-person meeting can be in the current office that Robyn is in, now at the current address, 1108 11<sup>th</sup> St, Suite 303, and then we will meet here online as usual.

#### **Park Advisory Board Meeting Report**

Hue Beattie: I attended but I only watched it periodically and they're talking up some Parks on the north side and this and that. A little part that that she mentioned tonight.

#### **Old Business**

##### **Conservation Easement**

Frank James: Moving on to old business, the Conservation Easement update. So, I spent a lot of time talking to various organizations. I talked to the Wilderness society. I talked to Trust for Public Lands, Defenders of Wildlife and then The Nature Conservancy. Most of those national organizations are not a very good fit for us. The one that I'm still having some discussion with is Nature Conservancy, but several people recommended against us doing that, they were local folks that had experience with them. For the one that was most interesting was Mitch Friedman's organization, which I think some of you may be familiar with. They're based in Seattle now and not in Bellingham, and Mitch considered it, but in the end decided they really didn't have the bandwidth to make the commitment. That leaves us with basically two others now, both of which I think are viable and potential recipients. The first is Northwest Indian College which remains quite interested. I think they could be a very good recipient of this. They have their own legal staff already. They wouldn't necessarily need additional funding, although I think we should offer them some too. They have a staff that is very interested in doing additional educational efforts, additional evaluation efforts, and monitoring. I think it's a very strong partner in this in that they would want to actually monitor to ensure that the quality was still there in an ongoing way. The danger, I think the risk is that they, although they're very interested now and the institution is very interested, the real strength is

that the individual who runs their conservation program is very interested in it. And as we all know, those people can move on and there may be less interest going forward. That the tribe was not interested when I talked to them because they just have too many other competing interests right now and not adequate time to devote to a new activity. That one other organization that I think also is a very strong candidate is ReSources. I talked with Shannon, the Executive Director. She had lots and lots of very good questions. They have a number of staff people that have worked in land trusts, both this Land Trust and other land trusts. That and when she ran it by her additional staff, they were actually very interested in it. I gave them copies of all the documents that they requested, and they asked for all the right documents. I was excited that they were familiar and knew about it. The Executive Director I've known for quite a while, and I know the organization quite well. I was on their board and president of their board for five years some time ago. I think if they did choose to do it, I think they could do a very good job of it. They have a long history. They have a unique history of having litigated and brought suit against some of their very donors. Some of the corporate interests that donate to them and yet remained in a positive relationship and continue to get donations from them. They really are a very interesting organization. Their mission is conservation. They've done a lot of work in the area, so I think we have at least one and possibly two very viable alternatives. I'm going to get together with Rank Jack later this week and I can review where the Land Trust is at about it. I think we have three viable alternatives, each with different strengths and what I'd like to do is for each of us to think about those alternatives and potentially invite further discussion with them with one or two of us at a time in order to further explore them. I guess just editorially I'd add that I think the easiest thing going forward would be to work with the Land Trust. I think the City is comfortable with that. I think City would be much less comfortable with a tribal involvement. And I think that ReSources haven't done the end of their due diligence in looking at all what would be expected of them, but they're doing that right now and I think it would be wise to consider them. We don't really need to decide right now. To some extent, we really do know what we have to know, what the Conservation Easement actually says before we can negotiate and representing good faith that we actually have the document that they're going to have to enforce. That's a pretty big interest on each organization part and as you know, the Land Trust, basically. We've still got to get back to them with a final product as well. That's it. Nature Conservancy, like I say, is one that I still have some discussion about with is Peter Fraser, the local steward for Dot Island, a call back and I haven't got a chance to reach back out to him. He's probably the best source, but again there have been reservations expressed about large national organizations in general, because they have so many other interests. Questions about any of those or any other suggestions?

John McLaughlin: Thank you for all the thought and work you put into this. I would like to maybe make a correction to some of the comments that we've heard earlier that the \$200,000 line item in the budget is actually not just part of the kitty. It's dedicated to the transfer of the easement going to the party for its defense.

Frank James: Thank you John. I was going to do that too and. I'm glad you did. It takes that line item quite a ways down I mean, if the City is in earnest, I think that they really want to make commitments and really have a clear document and really move forward together. I think we literally could be done with this in a couple of months. And have discharged what I think our duties are. I mean, we really do need to turn over a Conservation Easement that has the potential to preserve the ecological integrity of this forested wetland in perpetuity. That's what we want, as much as paying off the land. That's the serious part we have left to do.

#### **Letter from Board in response to A. Burns' last letter re Urban Forest Management Plan.**

John McLaughlin: I finished that letter as this meeting was starting. I tried to keep it to two pages. Some of those two pages is listing who it's copied to, and salutations and all that business so I don't know if I sent it to all of you. I don't know if anyone has any questions or comments about it. Or has even had a chance to read it. It basically makes three points. First an introduction that basically is summarizes in the first paragraph, then the second that she dismissed or excused our concerns about errors by saying, well, it's a city-wide analysis, and so we can't do the kind of detail of the data we provide. I tried to counter that by saying that we're not expecting them to measure every tree throughout the City. But if our data show that there are errors in the report in the landscape level analysis that at minimum, they ought to correct those errors and perhaps to do an accuracy assessment for the rest of it. Then she mentioned that because we didn't provide the raw data that they couldn't do anything and then said, well, you just asked for our data, and we did provide them a summary of the data in the form of histograms. And now we're providing the raw data. I didn't send that letter in yet. I still have to. I did a calculation, it's over 1000 digits that I have to finish entering. But that won't change the letter, that's just a file with the data in them. I

mentioned the question about denial of science where we have repeatedly provided them information or evidence data showing that these forests are mature and that they have continued to deny that issue and ultimately that fulfills the definition of science denial and contradicts the meaning and practice of science and call that out and put that in the larger context of confidence in the City and public trust that Nicole and others mentioned tonight. So basically, putting this as a simple fix on their part. If they don't do it, then it has much broader and deeper consequences and that's the letter.

Frank James: Thanks, John, I had a chance to read it. It looks thoughtful, well written and concise. I guess we need. We should, and this is the letter that apparently. We had a request for to a written request as I recall. So, we should probably when we send it, we should include that person. Are people ready to vote and sign is there? Or a motion to approve.

John Hymas moved to approve the letter as written. Hue Beattie seconded. Passed 5/0.

John Hymas: Really well written John, I'm impressed. Thank you.

Robyn Albro: Nicole would like a copy of the Urban Forestry Letter. John McLaughlin: She's on the cc list.

### **New Business**

#### **Meeting Dates for 2023**

**Motion by** Hue Beattie and second by Ed Grumbine to approve the following meeting dates for 2023, on the fourth Wednesdays of the month. Approved 5/0.

1/25, 2/22, 3/22, 4/26, 5/24, 6/28, 7/26, 8/23, and the second Wednesday in September, 9/13.

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

**Petty Cash:** WECU Bank account balance as of 10/31/2022 was \$2,967.11.

**Treasurer's Report:** As of October 31, 2022, Whatcom Co. Treasurer's Monthly Report, beginning unencumbered cash balance (10/01) \$237,935, ending unencumbered cash balance (10/31) \$274,298. We received tax revenues of \$50,320. Paid out \$13,957 in operating expenses.

**Motion by** John McLaughlin to approve District Payroll Input Form, wages for Robyn Albro, 22.5 hours in October 2022, total gross of \$562.50. Second by Ed Grumbine. Approved 5/0.

**Consent Agenda: Motion by** John McLaughlin to approve the following payments. Second by Ed Grumbine. Approved 5/0.

- Payment for September 30, 2022, Invoice #34394 from Whatcom County Administrative Services for \$30.00 for third quarter payroll services.
- Payment for October 31, 2022, Invoice from Robyn Albro for \$64.00 for mileage for August, September, and October.
- Payment for November 3, 2022, Invoice 174052813 from Robyn Albro for \$85.96 for Zoom Webinar.

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

**Next special meeting:** Monday, November 28<sup>th</sup>, 2022, at 5 PM. This meeting will be held on Zoom as well as in-person at 1108 11<sup>th</sup> St. Suite 303 above Fairhaven Bicycle.

**Next regular meeting:** Wednesday, December 14<sup>th</sup>, 2022, at 6 PM. This meeting will be held on Zoom as well as in-person at 1108 11<sup>th</sup> St. Suite 303 above Fairhaven Bicycle.

Anyone attending the in-person portion of the meeting is required to wear a well-fitting mask per the Commissioners of the Chuckanut Community Forest Park District as voted at their October 26, 2022, meeting.

**Adjourn.** Time: about 9:05 pm.



Robyn Albro <ralbro.ccfpd@gmail.com>

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## Dissolve the Park District and Lower Property Taxes

2 messages

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Dean Fearing [REDACTED]

Wed, Nov 9, 2022 at 1:49 PM

To: ralbro.ccfpd@gmail.com

Cc: Dean Fearing [REDACTED]

Dear Chuckanut Community Forest Park District Board Members,

Ten years ago when the CCFPD was approved by voters we were assured the park district would dissolve as soon as the function of the district was complete. This included work developing the master plan (well done) and paying off debt. With these two tasks completed and transfer of the conservation easement ready for Whatcom Land Trust I question why you are considering asking voters to continue to pay increased property taxes to provide funding.

Reading the treasurer's report for your meeting November 9th, I see there is \$274,298 in unencumbered cash balance. This seems well above what will be needed to dissolve the district and transfer the easement.

I ask you to take steps to dissolve the Park District as was promised to voters. You have done an amazing job preserving a cherished place for Whatcom County but now it's time to honor that work and uphold what voters were told.

In community,

Dean Fearing

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Robyn Albro <ralbro.ccpd@gmail.com>

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## 2023 tax levy?

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**Barbara Ryan** [REDACTED]  
To: ralbro.ccpd@gmail.com

Wed, Nov 9, 2022 at 1:47 PM

If what I have heard is true, you have \$270,000 in the bank to transfer ownership to the city and ensure that Whatcom Land Trust stay involved. If this is not true, please respond to me. Barbara Ryan [REDACTED] If it is true, close it down now. The District was never intended to be permanent, only to be the vehicle for collecting enough taxes to pay for the purchase.

Thank you,  
Barbara Ryan

Sent from my iPad