

MINUTES — Regular Meeting
CHUCKANUT COMMUNITY FOREST PARK DISTRICT
Wednesday May 24th, 2023, at 06:00 PM
Online Meeting Through Zoom and
In-Person at 1108 11th 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):

John Hymas jhymas1331@gmail.com Frank James fjames.ccfpd@gmail.com
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Our Mission: The mission of the Chuckanut Community Forest Park District is to ensure the entirety of the property is protected in perpetuity in public ownership, with respect for its ecological, recreational, and educational functions and to serve as a fiscal mechanism through which the district, via a tax levy, will repay the City of Bellingham for the Greenways Endowment Fund loan.

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), Hue Beattie, and Ed Grumbine. John McLaughlin is excused. John Hymas arrived later.

Motion by Ed Grumbine to approve minutes of April 26, 2023. Second by Hue Beattie. Approved 3/0.

John Hymas arrives.

Motion by Ed Grumbine and second by Hue Beattie to approve agenda. Approved 4/0.

Introductions Legal counsel Bob Carmichael, Secretary Robyn Albro, Tip Johnson, John Servais, and Vince Biciunas.

General Public Comments

Vince Biciunas: OK. Well, I just wanted to say how pleased I am to see the conservation easement business posted on the website and. I'm very optimistic, although I'm not popping champagne just yet.

Frank James: There are always issues. I had a fairly long discussion with some people at the Land Trust today about some of the issues and I believe that Bob also spoke with people today. So, it's still very much a draft comment. It's also a document that needs to not only go through our review and eventual approval, but the City Council's review and approval and the Land Trust review and approval. There's a good long path ahead of us prior to getting a final document.

John Servais: I assume that all of you have seen the e-mail that I sent you. I'm going to repeat that request here, that you delay the approval for the signing of the assignment. The reason is that the public should and by law have an advance chance to review. I'm not sure if it's 24 hours or longer. But they weren't posted up until noon today. That's zero days, but even there, we're in the end of a 10 year plus process. These are the vital documents that are coming out of this entire process and millions of dollars in taxpayer dollars, and the final documents and what the agreements are and what's going to happen in the future as this Commission dissolves in September, October. Should have public notice and the public should have a chance to comment or ask questions and I've been disappointed at how things have not been more open. May vary from what originally was promised to the voters and the voters should have a chance to know why or to comment on those things. You should in my opinion, but you can do however you want, and I expect that you're going to probably, well, I don't want to say what I expect. Have a public meeting and announce it and make the documents widely available and have a meeting where you have a hearing and let people speak. Perhaps more than 3 minutes that they can make a point. Do that, perhaps in June. Maybe you discuss it in July and maybe you look at signing in August. But frankly, last night when I went on your website after I received notice of the agenda on the agenda only the day before, the documents were not there. They were put up this morning. Obviously, in response to my e-

mail to you, the Commission. So that's my comment. You all know that I write and I will be writing about this issue and I've been very concerned about this issue. In fact, Northwest Citizen first broke this in 1996 on Northwest Citizen, what was being planned for the 100 Acre Wood. So, we've got dozens of articles about the 100 Acre Wood over the years and my interest continues.

Frank James: I would like to give you just another minute, if you wouldn't mind, but what are the substantive issues that you're interested in? We're happy to accommodate. I assume you had a chance to at least look at it.

John Servais: Barely, and not all of it. And along with that, even if I had tonight is not the night for me to try to present my concerns. My concern for decades has been the procedure and process in public and open meetings and with the public being able to comment and know what they're commenting about and be able to understand whether it's a City Council, the County Council, or the Port of Bellingham. And that has been my obsession. Some people have said that's why we did Northwest citizen. Doesn't try to advance a solution or advocate for a particular goal or vote. We try to bring issues to the public that the Bellingham Herald and now the Cascadia Daily ignore, store it or try to cover up. You push them in order for the public to be aware that there is an issue. There is a public issue that they could perhaps get involved in. And that's what Northwest Citizen does, and that's what I will probably be doing here. Yes, I have issues with the overall. I know that the general assignment thing I can tell you succinctly, Frank, to answer the question. The assignment should not be done. The purpose of this Commission was to pay off the three million and return the property to the City Parks. We have our government, we have our city parks, we elect our Mayor and our Council. We have to trust them. As Rand Jack pointed out, theirs is a passive thing, just to give the assignment to them ties up and makes it unable for the City to do things with that property. I trust our City and the elected people as much as I trust any other entity out there. I think the Whatcom Land Trust is a wonderful outfit. But I don't think anybody should have assignment. This belongs to the people of Bellingham. We, on the South side paid in for \$3,000,000. We want and I think that others share that we want our City government to have control of this park, period.

Frank James: So, you believe there shouldn't be a conservation easement, to summarize.

John Servais: Exactly. Yes.

Frank James: Well, that's certainly a divergent opinion from what we've heard before from most people.

John Servais: Well, apprise it that way, but I think that's inappropriate for you to say. It's a diverse opinion.

Frank James: Well, it is, and I value divergent opinion John.

John Servais: I didn't say it was a pejorative. I just don't think it's appropriate.

Frank James: Well, I thank you for your opinion and we'll see how the day goes. Thank you very much.

Tip Johnson: Yeah, without giving an opinion on the conservation easement, which I only saw the links to this afternoon, and I have to download and be able to review them because they don't just display. Yeah, I just think John's got a good point. For instance, the City Council publish their agenda on Thursday. All the documents are available for review all weekend long before their meeting on Monday, and that's very helpful. You know, I possibly even favor a Conservation Easement and maybe more toward preservation than recreation, but I think that the people of the district who have paid their taxes should have time to fully have access and review the documents.

Frank James: I appreciate your comment. Thank you. There are a lot of different opinions about this. Appreciate you bringing that one forward.

Park Advisory Board Meeting Report: No report.

Old Business

Education/PR in the Community

Frank James: The issues under this item are the proliferation of trails, the off-leash dogs, and the mountain biking impacts. I know I was tracking, and I believe Ed, you've been tracking the number of off leash dogs in the 100 Acre Wood. It's relatively out of control in a very serious way. About 70% of the dogs have been running without a leash. That has serious impacts on wildlife. There were off leash dogs and coyotes in the park at the same time, I don't think anything happened. Ed, have you continued to track off leash dogs on your walks to the park?

Ed Grumbine: Yes, but less than before because I was ill. I'd say it's about 60 to 65% off leash.

Frank James: Yeah, my experience too has been the majority have been off leash, certain majority. I would hope we could reach out to the city and once again encourage them to post signage as early as possible to educate people about the desirability of not having dogs off leash. It is not a dog off leash park. There are several dog parks that are alternatives. It definitely does do damage to the wildlife that's there, and proliferation of trails continues. There has been some trail work being done on the portion adjacent to Chuckanut Drive. Does anybody else know what that construction project is on the northern entrance trail? It seems like it would be very early for implementation of the trail construction project. I can try to call them and find out.

Frank James: And then finally, the mountain biking impacts. I think they're less than they were. I think the proliferation of mountain bikes going at high speed in groups was really a response to the possibility they might not be able to go there. And I think that's really died down considerably. There still is obviously ongoing bike usage. It seems more responsible and more in keeping with a wildlife area. The other issue is stewardship of the forest. The thing that I called and talked with some Land Trust folks about was what they saw the stewardship capacity of the Land Trust for this parcel would be. They typically do assign a steward for parcels. I believe Ed you're on the Committee for the Land Trust, on the Stewardship Committee. What I was told was that they really are only making major initiatives about stewardship on the property that they own. About half their property they have conservation easements on their own fee simple. What that initiative is really aimed at is the kind of responsible management of the property and ownership. And with the conservation easement they do not anticipate that being extended to the property, which they simply hold the conservation easement for and not an ownership position in.

Ed Grumbine: As you mentioned, Frank, there are two kinds of lands. The Land Trust works with fee simple lands which we own and lands with conservation easements, which the Land Trust holds. Typically, stewards are not assigned to conservation easement properties, but there's no rule that says that can never happen. Most volunteers on the owned lands are in fact volunteers, so if someone wanted to volunteer specifically for 100 Acre Wood or six people wanted to volunteer, and unless the Land Trust decides no for some reasons that are not in policy, that could certainly happen.

Frank James: Yeah, I asked about that and they do have stewards for non-owned, non-fee simple owned land and the main function of those stewards are to ensure compliance with the conservation easement, so it's certainly conceivable that one could be assigned by the Land Trust. I think that would be a very welcome thing from our point of view, give that extra set of eyes on site would be a good thing. I think we'd have to talk with the Land Trust about that though, and it would not be a management function. Those are clearly in our relationship with the City reserved for the City itself, as it should be. It might be something we could work out. I certainly believe it's appropriate to talk more with the Land Trust about it and to explore. I know when we talked to the Lummi Community and the Northwest Indian College folks, they were really interested much more in a stewardship role than holding of the conservation easement role. They were willing to hold the conservation easement, but their real interest is in conserving land that is the headwaters of salmon streams and might directly bear on their interests as a community. As an example of how to be an exemplary steward, I think that discussion is still worth having, and potentially it could be something that the City could cooperate with and or the Land Trust could cooperate with, certainly giving some opportunity for the first people in this region to have a say in a role and some participation, whether it's just observing for compliance with the conservation easement or whether it's actually a more active role that would have to go through the City. I think it is something we should pursue. Many organizations have land acknowledgements to begin their meetings. Unfortunately, those often ring very hollow to me because they don't really invite the community that they're acknowledging, who actually are the owners and the original owners and the people who have both moral and even legal rights to the land we're talking about, they often don't have much opportunity to exercise moral or legal rights. I think it's a discussion worth continuing with. It's a separate discussion from the conservation easement itself, but it is something I think I'd like to see us continue. I also had an opportunity to discuss further with some of the staff at ReSources, who's the other group we talked about. They remain interested and supportive and some of the people have pretty extensive experience in both holding conversation easements and being stewards. That's an area that they remain interested in as well. I think either of those might be good additional partners. Someone here may know better than me, but the City did assign a stewardship role I thought, rather formally, to Recreation Northwest. I'd have to look back into the details of that. Does anyone know what those details were? They talked about it in that fashion, so I'll try to find out more about that before our next meeting and we can put that on our agenda for the next meeting if that's the wish of the Commissioners. Is that something you agree we should continue to pursue? Oh you're saying yes, OK.

Ed Grumbine: Yeah, we should pursue it and pursuant to your comment, a moment ago about what's going on at the 18th St. entrance, that is pretty much a Recreation Northwest work. They're building an environmental education site, putting in chairs that can be used for classes coming to visit the woods and other activities. In addition to that, they've opened a plant identification trail just south of that area and that had a formal opening two or three weeks ago. So those are the two main educational activities creating a place to gather and then opening up this plant, environmental Ed Trail.

Frank James: I wasn't talking about that. There's backhoes and survey crews and heavy equipment at the entrance off Chuckanut Drive. Not the one on View Crest, but the northernmost one.

Ed Grumbine: That would be different. No, I haven't seen that. Well, we should pursue reaching out to Recreation Northwest and finding out what the game plan is in the woods going forward.

Frank James: The property they're working on is City property separate from the 100 Acre Wood. That's out of the purview of the interest we have. It's a separate parcel. But it's great that they're doing that. Those seem like good things to be doing. I'll pursue some of those things and bring a report back to the next meeting.

Conservation Easement

The next item on our agenda is the conservation easement and this has emerged in a very complex fashion, more complex than I had expected. I want to leave it up to Bob to explain it to us. He sent us a copy earlier. It's a little different than what we've looked at before, but it's really in keeping and largely in line with what we've been talking about since 2014. There are some details, though that may matter, and we'd love to have that discussion now. So, Bob, if you'd like to kind of walk us through what is new or what the potential options are for the conservation easement going forward.

Bob Carmichael: There are no substantive changes to the conservation easement amendment from what we've been discussing for the last many months. The board has seen this document more than once and we've discussed it at several meetings and the direction I have interpreted has been to go forward and try to reach finalization with this agreement. And that's what I've done. This is again essentially the same document you've all seen a number of times. The changes are that instead of having an agreement that came back in March or so, instead of having the conservation easement assigned first to the Land Trust and then have an amendment to it between the City and the Land Trust. At the request of the Whatcom Land Trust, this has been changed so that the easement and basically the same terms would be amended as a First Amendment to the conservation easement between the City and the Park District. The Park District would consummate that and immediately assign the amended conservation easement to the Land Trust. So those things would happen concurrently, and the Land Trust would become the holder of the conservation easement at that point. And then there is an agreement that I created to basically explain the structure of how this will work, that once the assignment is made and once the Park District has dissolved, then the City and the Land Trust will execute a second amended and restated conservation easement. That replaces the Park District with the Land Trust as the grantee, so that that's reflected in the document in perpetuity. It also eliminates a couple provisions that the City wanted to carry through from the Interlocal Agreement to make sure that the Park District dissolved and those would no longer be necessary in the easement. I attempted to explain this in an e-mail, and I think the document between the e-mail and the documents that I sent more or less explains it in a fair amount of detail. The only thing I would add is that I feel bad because when I transmitted these documents to everyone on Thursday evening, I forgot to say let's make sure we post them on our website. So, they didn't get posted and that's one of the reasons we have the complaint from Mr. Servais. I will say that we have looked into this from a legal standpoint and from a legal standpoint, the board has the authority to approve these documents tonight. It's going to be a board decision as to whether it wants to do that or not or postpone to provide the opportunity for more public comment. That would be within the board's prerogative to do.

Frank James: Bob is there anything to Mr. Servais' legal assertion that we're required to do that. You're saying that's not the case, but in the sense of good governance, we should do it and that seems like a prudent thing. My question to you would be, is there an impact to the process? Or an impact on the Land Trust in terms of their timing of approving an impact to the City and their timeliness of approving it. One of the dangers here is if we're delayed too long, the City has made perfectly clear if this isn't approved, we will have the old agreement signed in 2014. So, would there be a timeliness issue in terms of allowing the Land Trust time to get it through their processes? I'm asking what's the consequence of waiting another month.

Bob Carmichael: The consequence of waiting another month is probably not something that would be fatal to this agreement, but I will say the negotiation is done in my opinion. I think if we try to negotiate

something different in the interim, there is a better than likely chance that this whole arrangement will go sideways, and that's my concern. I don't have a concern necessarily about a month. But I will say that when we were talking, we were talking about having this wrapped up in June and I purposely put the document out till August 1 to give us some additional time anticipating there could be something that could delay it. One of the things that's in this agreement that I'm sure you all have noticed is we've got more of a commitment from the city than simply a letter from the Parks Director. We have the City signing off on an agreement that they will spend the money on the 100 Acre Wood and that this would be approved by the City Council. We definitely want that. To me this is a good final resolution, and I am concerned about delay for the sake of delay. Having said that, I think it can still work if we delay it. I think we'll have some disappointed partners. I spoke with Rand Jack today. He was anxious to get this approved. He made it very clear that he didn't see any room for different negotiations. And I know you spoke with someone at the Land Trust as well. Rand is sort of acting as their attorney. He said he did not see any room for bringing another partner into this agreement to steward the park other than the Whatcom Land Trust and the Whatcom Land Trust, he pointed out, is not typically a steward of a conservation easement. Ed pretty much said this as well. It's very different when they own a fee ownership as opposed to holding a conservation easement. A conservation easement is simply a monitoring compliance with the document, and Rand was not encouraging at all about bringing anyone else in to help do that. I don't see this getting traction. I've had so many discussions on it so far that I do feel like I've got a good sense of where they're coming from. As far as the legality of it versus good governance, I think Ed makes a good point on the good governance part. It definitely has a better appearance. I don't know that it's going to make any material difference to extend it. It doesn't look good that the documents weren't available to the public until the same day of this meeting, but this is not at the same time. This is not a public hearing, and it isn't legally required.

Frank James: So, to put a point on my question, Bob. Is there a timeline that this would upset in terms of approval? I know that it sometimes takes a month to set up a meeting and get things on the agenda. And it's approval of three different bodies. Those are complex things. And my question was, would waiting till next month make it impossible to approve or difficult to approve?

Bob Carmichael: I thought I did answer that, Frank. I said that it wouldn't be fatal to the deal to put it off, but I think that there are risks associated with doing that. So no, it's not impossible. I don't think it's going to be fatal. I think it can be done. I just wanted to make sure I voiced my concerns about doing that.

Frank James: No, I heard you clearly.

Ed Grumbine: Here's another way to look at it, and I don't mean to paint myself as anti-democratic anti good governments if we delay and allow public comment. What I'm gathering from what Bob just said and in my personal experience with the process, nothing much can be changed. The public can give that input, but it's not going to influence the outcome given the scenario that Bob has painted and the reality of working with both the City and the Land Trust. It may look good to have in a good governance process sort of way, but the content of whatever that process may yield is probably not going to change anything is what I'm trying to suggest and so we need to think about that in the big picture sense of whatever those risks might be in the background that Bob referred to.

Hue Beattie: I was ready to approve it last month. I'm ready to approve it this month. I think delay is not a good thing. You got a six-person mayor's race primary August 1st. It can get weird in the Fall, and I just want to get this done. I mean, we've had plenty of hearings as far as we were going to. Get the lawyers, and the Land Trust and work out an amended conservation agreement, and we had plenty of discussion on it and Servais hasn't darkened our door for quite a while, but he shows up tonight as usual with oh, it's so late. We haven't had time. So I'm ready to go.

Tip Johnson: It's not a simple question. I don't like the way this is going because, Bob's right, it doesn't look good to post the docs on the day of the meeting. Might be legal. Doesn't necessarily look good, and I don't think it's fair for Bob to characterize it as delay for the sake of delay. I mean, people have been paying their money, they're interested. They want to see this stuff. And yes, this is not a public hearing, but, you know, maybe it should have been. Anyway, you know, people deserve adequate notice, access to the documents in time for review. I just downloaded them and looked at them. I have questions that I didn't have before. Now I'm not saying I'm opposed to a conservation easement, but you know, many people may be. And so, yes, are there going to be changes to this conservation as drafted through the original the 1st and 2nd amendments with the agreement and Bob maybe? It's great work. It probably is. I know you and you do good work, but people deserve a chance to look at this and say whether or not they even want a conservation easement, that's the issue. Not if we're going to make changes. It's not like maybe there isn't going to be one because or maybe everybody will be opposed to it and you'll still vote

and approve it. And maybe I even agree with the conservation needs and I just think you need a chance to do some good government here.

Vince Biciunas: I just want to remind everyone that we were delayed because of the difficulty of our legal counsel talking with the City's legal counsel for four or five months. We started working on this last October and the end result is something that has to be worked out by the legal teams, not by community input because the community has already put the input in and the other thing is back in, I forgot what year it was now 2016 or so, we were sued and we won that lawsuit to the tune of \$111,000. To expressly say that the purpose was not only to collect the funds, but also to protect in perpetuity, which means a conservation easement, you can't try City government and rotating mayors and councils to have in perpetuity protection, that's what the conservation easement is, and that's why we need this conservation easement. It's already May, if you want June, July, August, talk about vacations. I mean, I hate to see us lose the conservation altogether because we don't make the September deadline, so I'm all for you guys voting for it tonight.

Robyn Albro: I just was going to make the point that you could, if you didn't want to wait till the end of June, but you wanted to give people a little more time, you could do a special meeting.

Frank James: I thought of that too. Bob Carmichael: I was going to say the same thing.

Frank James: I think that Bob made some good points about moving this along in timeliness, I also think that we do want to engage in good governance. If we can accommodate public input and review, I think we should accommodate public input and review. And if we don't want to put it off a month, we certainly can have a special meeting. I know those are inconvenient this time of year, but I think we've been able to find those times before. We could probably find them again. And I think as Tip said, it's a very reasonable request. Tim and John are coming from very different points of view, if I understand them both correctly, and they both are telling us the same thing. Personally I'll just step away from being the chair for a second and say that I actually think we do want to provide as good a governance as we can. And if that means us agreeing to another meeting in the near future, or even a meeting next month, provided it doesn't threaten our ability to have a conservation easement, I don't think it's an unreasonable request.

Bob Carmichael: I would feel more comfortable with a special meeting relatively soon than I would putting it off an entire another month, yes.

Hue Beattie: Let's move on and let's set a date and have a special meeting then.

Discussion of possible dates of a special meeting, came up with Tuesday, June 6th.

John Hymas: I say we vote now. We haven't even talked about voting on a special meeting. I think we should vote now on accepting things as they are.

Bob Carmichael: That's a legitimate thing to discuss. Before we do that, I want to make one statement. That is partly in response to John Servais, also to you Tip, the idea that we shouldn't have a conservation easement. It's almost a non sequitur, because if we didn't have a conservation easement, we probably wouldn't have a park. I don't think there's many people who understand that. I went back and looked at the dates we got that conservation easement in January of 2014, after a very long negotiation. And if the Park District had not achieved that conservation easement by then, and to get anything more probably would have tabled everything and who knows how long it would have taken. It was only a few months later, in July, that the Park District was sued by Ferlins and one of the main arguments that they were making was that the Park District and the levee were invalid because it was an illegal tax for a variety of reasons. I will say that the part that the Court of Appeals relied on was the existence of the conservation easement to defeat Ferlins' argument that the tax was invalid. So, if we had messed around with getting that conservation easement in place because we were trying to negotiate something just a little bit incrementally better, which I don't think we ever would have gotten, and we didn't have that conservation easement in place by 2014, there's a reasonable chance that levy would have been struck down. John Servais was saying that there was no reason to have the conservation easement, but that conservation easement is what the Court of Appeals relied on to say that the levy was not invalid, that it wasn't simply a tax for the city as a whole that the district actually got a real property interest in the park and that was enough to sustain the levy. That needs to be remembered and you know the only people here who were part of that, there's three of them. There's Vince and John Brown and John Hymas. If they hadn't struck that deal when they did, we might not have a Park. I'd encourage anybody to read the decision of the Court of Appeals. Tip, if you want to read it, I'll send it to you. Robyn, you can send it, but anyway I want people to know that it actually refers to it a number of times in that decision and I argued it so I know what the argument was and we were at risk of losing everything but the conservation easement was pivotal to winning that case.

Frank James: My sense is there would probably be no votes, let alone a consensus of votes for us not to have a conservation easement. I think my discussions with each of our Commissioners would lead me to believe that's not something that would get very far as a motion and I think it's a little bit on the emotional side to discuss it in that frame when what we're being asked to do is to give the public a week to look at some documents so that they can make meaningful comments. I would hope people would make more meaningful comments if they don't want a conservation easement. I don't think that's a well-informed direction to go, but there may be other things that people do want to say. The question is, did we allow the public an opportunity to review it and if there's no compelling reason to not give the public an opportunity to review it, why would we not do that? I mean, I think we made an error in not posting it.

Bob Carmichael: I agree with that. My point was not to argue one way or the other about the delay. It was more to kind of set the record straight on the conservation easement because I thought it needed to be understood how important that is and the timing of it was in 2014.

Frank James: And I think those of us that have been involved are aware and appreciative, so thank you.

Vince Biciunas: Can I just remind everybody too that the public has a chance to talk to City Council when it comes before Council.

Hue Beattie: The public had a chance through our monthly meetings to comment if they wanted any changes to the conservation easement. We went through a pretty tedious process of changes, from the original. They've had plenty of time to comment at the meetings if they've attended them, but nobody has hardly showed up.

Discussion about the President and Executive Director of the Whatcom Land Trust as mentioned in the Conservation Easement. It was clarified that there is the president who is elected by the board of the Land Trust and then there's an executive director who is hired by the Land Trust. That's exactly right. The person that should sign this document giving permission to engage the Land Trust is the president of the board, but the person that we would give notice to if there were some reason to give notice, you want to give to the executive director and his job would be to give it to the board members.

Frank James: Have other folks looked at it? Do they have further comments or thoughts? I remain of the opinion that we should actually give the public an opportunity to review this. I think that was an error on our part and I think we should correct it. If somebody wants to call the question there, this would be an item that would require a motion.

John Hymas: I move, we accept things as they are and the public can speak up in front of City Council. I say we do this now and get it over. I'm not how to state that in a motion, so if somebody could help me that'd be fine, but that's what how I feel.

Bob Carmichael: Moving approval and authorizing the President of our Board to sign the agreement for conservation easement assignment and to sign the conservation easement assignment itself and to sign the first amended restated conservation easement. Those three documents, as listed on the amended agenda. You would be moving approval of those three documents and authorizing the President of the board to sign them.

Frank James: So John, is it your view that people that were not allowed the opportunity to review this at this point would could be directed to the City Council process where they could raise the issues there?

John Hymas: Exactly.

Vince Biciunas: And I just comment that people can raise the issues at our next meeting, but it will already be a signed thing from our point.

Frank James: I remain uncomfortable and unconvinced that we should just move forward without giving the public some opportunity to review things. These are complex things. Tip made a good point. These are complex documents.

Tip Johnson: I just think we should have a public hearing before our elected Commissioners on this important issue. Now I understand you've got a lot of dog lovers that don't like leashes. You got a lot of bike people that don't like regulations, but they all paid taxes too. You know, it's not easy and I've spent quite a bit of time here reviewing Bob's excellent work and I think it's a fine easement. If I were on the board I would probably support it.

Hue Beattie: OK. So then could we all agree at least to schedule the meeting then on June 6th and voting then?

Frank James: I think we have a motion on the floor for approval of the authorization to sign these three documents. So, we need to amend that or we have to vote on it, if I'm following procedure correctly.

Bob Carmichael: I think it still needs a second.

Frank James: Yeah, lacking a second, it would fail in and of itself, and we could consider another motion.

Hue Beattie: I would have seconded, but I will withhold my second because I will go for the June 6th special meeting for people to comment.

Frank James: I don't think it would be a public hearing. I think it would just be a meeting to give people an opportunity to review it. It wouldn't be a formal public hearing in that sense.

Bob Carmichael: That's an important distinction, whether you're scheduling a public hearing or just another public meeting.

Frank James: Yeah, there are notice issues. So people certainly deserve an opportunity to speak their mind.

Bob Carmichael: John Hymas, I know what you want to do and I get that. I respect it. I really do. But would you be available for a meeting on June 6th?

John Hymas: I think so, yeah.

Frank James: We didn't have a second to John's motion. Do I hear a motion to resolve this in a different way? Hue, you were going to make a motion to have the meeting on the 6th. John can make the meeting on the 6th. Do I hear a motion on the 6th?

Bob Carmichael: Can I say in review and comment really the purpose I would see would be to give people time to read it and then they could submit written comments to the board. From what I'm hearing, it wouldn't necessarily be a formal public hearing. The board would consider the sole purpose of the meeting would be to consider these three documents for approval. And the board would take public comment at the beginning of the meeting, as it always does, allowing people three minutes plus just general public comment and not a public hearing.

Frank James: Right. Thank you for that clarification. So, Hugh, is your motion clarified?

MOTION: Hue Beattie: Let's have the meeting on Tuesday, June 6th, at 6:00 PM. Second by Ed Grumbine. Approved 3 / Abstained 1 (John Hymas).

Frank James: Robyn, if you could both make a public notice that there will be a meeting on that day and additional time for people to review the document and we welcome written comment in the interim. And anybody that wants to come, please attend the meeting.

Robyn will make up an agenda on Thursday and have Bob review it before sending it out.

Commissioners expressed hope that John McLaughlin would be able to be at the special meeting.

Dissolution of CCFPD

Robyn Albro: I gave Bob a list of questions/items and he came up with this plan and I have already started working on parts of it. I have a call in to Andy, the Finance director of the City, to have a meeting with him. I don't think I need the attorney's for the initial meeting. Do you think so, Bob?

Bob Carmichael: No, but we're happy to help if you think you need us at some point.

Robyn Albro: I've already been, since last Fall, touching base with the state auditor's office, with Dina Garza, just to let her know when we look like we might be going to dissolve so that we could plan the audit. I sent her another e-mail today. And because we're trying to get it done before the dissolution, there still might be a little bit after we're dissolved just because all the financial stuff won't be done until after we're dissolved. But so, we're going to start working on it in June. That's just to give you a general update. As things get more concrete, I will communicate with Bob's office and also with the Board to let you know where we're at on different things and if there are questions that come up. One thing I wondered about, do we have to transfer our emails or archive them somehow and make them accessible?

Bob Carmichael: Yes, those are all things we need to work through.

Frank James: Yes, because the city actually gets all of our assets and liabilities and I assume they take on some responsibility for issues like that. And Bob, I wanted to follow up with a question. I saw the correspondence with Alan Marriner about that, did he respond to that at all?

Bob Carmichael: Yes, he did. He said that he would forward the plan that I sent out to the Finance Director and he expected the finance director to reach out. Then I talked to him about it. Again, and he encouraged us to just call the finance director directly and he'll help too as necessary, but I think the level it should be at now is between Robyn and the finance director.

Frank James: If I understand correctly, there is revenue that will be collected because it's going to run through the year rather than when we cease to exist. So, the city will be collecting additional funds for about half a year. It's not a lot of money, but it's not an insignificant amount of money that they'll collect. We are contributing to the City's coffers and hopefully they will be contributing to our interests with those monies, so that's all really good. Bob, I wanted to thank you for your stewardship of those ideas and that process. And Robyn, of course, you as well and look forward to the next installment of what we need to do.

Robyn Albro: One thing I was thinking of doing was to do sort of a budget comparison about where we're at with what we decided for our budget for this year and where we're at in terms of income and expenses so that will give you an idea of what kind of monies we're looking at. So, I'll do that for the next board meeting, the one at the end of June.

Frank James: And we have a verbal statement of what the Land Trust will expect in terms of payment towards the conservation easement Legal Defense Fund. Bob, is there any more? Is that a final thing and will you get that in writing or how does that go?

Bob Carmichael: It is in the agreement on the assignment.

Frank James: And it's \$50,000 or 70,000.

Bob Carmichael: It's spelled out in the agreement I sent at \$75,000.

Frank James: So, we have a little extra breathing room there financially and that's kind of in towards the middle of the amount that we'd expected. And it seems quite reasonable to me.

New Business

Annual May Filing with Washington State Auditor's Office

Robyn will be filing this in the next few days.

Monthly expenses and cash flow sheets.

Petty Cash: WECU Bank account balance as of 04/30/2023 was \$2,967.11.

Treasurer's Report: As of April 30, 2023, Whatcom Co. Treasurer's Monthly Report, beginning unencumbered cash balance (04/01) \$254,024, ending unencumbered cash balance (04/30) \$279,980. We received tax revenues of \$31,611 and paid out \$5,655 in operating expenses.

Motion by Ed Grumbine, second by John Hymas to approve District Payroll Input Form, wages for Robyn Albro, 22.45 hours in April 2023, total gross of \$561.25. Approve 4/0.

Consent Agenda: Motion to approve following payments by Hue Beattie, second by John Hymas. Approved 4/0.

- Payment for April 15, 2023, Invoice #03018 from Carmichael Clark for \$7,564.50. professional services.
- Payment for March 31, 2023, Invoice #35079 from Whatcom County Administrative Services for \$30.00 for First Quarter 2023 Payroll Services.
- Payment for May 22, 2023, Invoice #308 from Richard Hartnell, Hartnell Ent, for \$200.00 for technical services for Zoom hybrid meeting

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

Next regular meeting: Wednesday, June 28th, 2023, at 6 PM. This meeting will be held on Zoom as well as in-person at 1108 11th St. Suite 303 above Fairhaven Bicycle. If the door is locked downstairs, a phone number will be posted on the door for you to call and be let in.

We will also have a special meeting on June 6th at 6:00 PM for the purpose of correcting our error and not having enough public notice for the public to review our proposed documents.

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.

Hue Beattie: I was just going to say it's been actually 43 years since the City illegal upzone.

Adjourned at 7:23 pm

F U N D A M E N T A L