

**WHATCOM CONSERVATION DISTRICT  
Public Meeting Minutes  
April 27, 2018**

**I. Time and Place of Meeting.**

A regular meeting of the Board of Supervisors of the Whatcom Conservation District (WCD) was held at the Ag Service Center, 6975 Hannegan Rd, Lynden, Washington on April 27, 2018, at 1:00 p.m.

**II. Attendance and Quorum.**

The following Supervisors, being a quorum of the Board, were present:

Larry Helm, Chair  
Heather Christianson

Larry Davis, Vice-Chair  
Theresa Sygitowicz

Also in attendance were:

George Boggs, Executive Director  
Dawn Bekenyi, Admin. Assistant  
Charlie Crabtree  
Hank Kastner  
Jeff DeJong  
Don Hruitfiord

Alex Hall, NRCS staff  
Aneka Sweeney, Ed Specialist  
Fred Likkel  
Suzzi Snyder  
Paul Campbell

**III. Meeting Called to Order.**

Larry Helm, Chair, called the meeting to order at 1:00 p.m.

**IV. Public Comment (written or in person).**

Introductions.

Fred Likkel spoke on behalf of the Farm Friends in favor of the District funding the next phase of the Lummi Shellfish project. Jeff DeJong spoke on behalf of the local ag industry that would like to see the Lummi Nation receive the additional funds to move the project forward into Phase 2.

**V. Consent Agenda.**

The Board adopted a consent agenda for approval of the previous meeting minutes, financial report and accounts payable. The financial report was mailed to the Board with their draft minutes from the November 9, 2017, December 21, 2017, January 11, 2018 and February 8, 2018 meetings. Dawn Bekenyi, Administrative Assistant, presented the financial report. A copy of District invoices and incurred expenses, as listed in the Accounts Payable Report, were reviewed and approved. The Board further authorizes the payment of District expenses incurred subject to their review and approval at the next Board meeting.

**Larry Davis moved to approve the consent agenda: minutes of the November 9, 2017, December 21, 2017, January 11, 2018 and February 8, 2018 Board meetings as mailed, the financial report and authorize payment of District invoices and incurred expenses (below), as listed in the Accounts Payable Report. The Board further authorizes the payment of District expenses incurred subject to their review and approval at the next Board meeting. Theresa Sygitowicz seconded the motion. The motion passed.**

The following voucher/warrants are approved for payment:

March 2018 - balance

Voucher (check) numbers	25793	through	25824	and totaling	20,397.67
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Payroll check numbers:	25926	through	25946	and totaling	43,276.01
Voucher (check) numbers	25947	through	25948	and totaling	249.28
Payroll check numbers:	25949	through		and totaling	334.66

## VI. Action Items.

### A. Approval of Contracts.

#### Tenmile Clean Water Project –

Whatcom Conservation District completed the Ten Mile Watershed Assessment and drafting of a Tenmile watershed outreach plan for identifying areas/land uses and practices that have the highest impact on water quality improvement that was funded through the NRCS National Water Quality Initiative. This work was done in partnership with the Tenmile Clean Water Project (TCWP) and other partners. There is no funding presently available to implement the Tenmile Outreach Plan from NRCS.

Aneka explained that the TCWP had funding from the Whatcom Community Foundation. They approached the WCD to serve both as the fiscal sponsor and service provider for education, outreach and monitoring as specifically identified in the NRCS NWQI Tenmile Assessment and Education Plan.

The estimated budget and scope of work are provided for review to the Board. It is anticipated that an agreement with general terms and conditions that are congruent with past and existing agreements will soon be available but not likely before the April Board meeting.

Staff recommend that the Board authorize the staff to develop either an assignment of the existing agreement between the Whatcom Community Foundation and Nooksack Enhancement Association to WCD or a new agreement directly between the Foundation and WCD.

**Theresa Sygitowicz moved to accept Whatcom Community Foundation funds for the purposes described in the scope of work and authorize the board chair to execute an agreement for either an assignment of the original agreement from NSEA or a new agreement directly with the Foundation. This authority is subject to the agreement be substantially the same as the budget and scope of work presented here and consistent with general terms and conditions as are typically found in existing WCD agreements. Larry Davis seconded the motion. The motion Passed.**

#### Blaine Birch Bay Parks and Recreation District 2 Agreement –

In December 2017, Aneka Sweeney, Education Coordinator, applied for funding through the Community Program Support Grant through Blaine Birch Bay Parks and Recreation District 2 (BBBPRD2) to fund the Run with the Chums 5K Fun Run/Walk event and was granted \$4,000 to support advertising, materials, supplies and refreshments for the event.

**Theresa Sygitowicz moved to approve and authorize to the Board Chair to execute the contract with the Blaine Birch Bay Park and Rec District #2. Larry Davis seconded the motion. The motion passed.**

Partner with Cloud Mountain Farm Center –

Whatcom Conservation District is interested in collaborating with Cloud Mountain Farm Center as a pilot during their upcoming Farmer Roundtable series, from April through October 2018 and during our own 2018 – 2019 Farm Speaker Series, from August 2018 – March 2019.

By partnering on offering farm education through this effort in Whatcom County, our energy and impact will be amplified through cooperation and coordination of efforts. Marketing, logistical efforts and communication will be shared while the goals of nurturing the next generation of farmers, building community, and protecting natural resources will be amplified.

No additional funds or resources will be needed.

**Theresa Sygitowicz moved to approve and authorize Aneka Sweeney, Education Coordinator, to coordinate educational events in collaboration with Cloud Mountain Farm Center according to the roles and responsibilities outlined in proposal. Larry Davis seconded the motion. The motion passed.**

Lummi Nation Shellfish Cost-share –

In February of 2017, the Lummi Nation entered into an agreement with the Whatcom Conservation District (District) to receive funding for a project that would ultimately enhance 25 acres of tidelands to support the cultivation of Manila clams. Lummi Nation's overall goal is to enhance a total of 100 acres of its shellfish beds. Portions of the Portage Bay Shellfish harvest areas had been closed to harvest. As long as they remain closed it is a hardship to the Lummi Nation. However, within two years of seeding, clams will be available for harvest. This will help reduce the negative impact to the Lummi Nation.

Due to the delay in the adoption of the State's Capital Budget for FY 2018-2019 and other project constraints coming to light, Lummi proposed to overcome these challenges by revising the project's scope of work and dividing the project into three phases.

The revised scope of work was presented to the District and then forwarded to State Conservation Commission staff who reviewed it. Commission staff approved the revisions to the scope of work and the funding for Phase II of the project. This agreement is to describe the respective activities and responsibilities of the Lummi Nation and Whatcom Conservation District to carry out the revised Phase II of the project. The funding of Phase III of the project is subject to successful completion of Phase II and legislative appropriation for the 2019-21 biennium to the State Conservation Commission.

**Larry Davis moved to approve and sign the Lummi Bay Shellfish Enhancement Project Memorandum of Agreement for Phase II. Theresa Sygitowicz seconded the motion. The motion passed.**

**B. Internal Audit**

Larry Davis and Theresa Sygitowicz agreed to conduct the Schedule 22 review in conjunction with the annual financial report that is filed with the Washington State Auditor's Office.

**C. Associate Supervisor Application Form.**

The Associate Supervisor Application form is still a work in progress. It was decided to use the old form until a new one can be revised and adopted.

**Larry Davis moved to authorize use of the current Associate Supervisor Application form. Theresa Sygitowicz seconded the motion. The motion passed.**

**D. Annual Plan of Work.**

Theresa suggested that the Annual Plan of Work be a continuation of last year with the current budget constraints. Larry Davis agreed the current plan is still viable. Heather would like to see some measureable outcomes reported to the Board from the Team Leads. George suggested that Team Leads could report in July or August to the Board on their activities for the previous year.

As a way to show measureable outcomes, Fred Likkel said that looking at the improvements in water quality test results has shown the impact of the Conservation District's work.

Larry Helm transferred Chairing the meeting to Larry Davis for the next section.

**E. Request for Referral of a Grievance and Investigation to the Washington State Conservation Commission.**

George reported on two matters that he had that he requested that the Board pass on to the Washington State Conservation Commission (WSCC) to investigate and mediate.

1. Public record alteration –A Mr. Bruce Ayers called George asking why George would be referring to Mr. Ayers in an email to the Board. George asked for the email to see what Mr. Ayers was talking about. The email appeared to have been forwarded by Larry Helm (an original recipient). It included additional language that alter the meaning of the original email that George had sent. Larry Helm wanted to know what the intent was to insert the extra language. He also expressed that now that he saw the email in question, it was clearly altered, but not by him. George said that intentionally altering a public record is unlawful. What the motivation was is not pertinent to the matter.

Heather and others discussed the email. It was pointed out that George did not say Larry Helm altered the email, only that it had been altered and the matter should be investigated. Larry Helm said that he was 71 years old and had never been accused of a crime before and that he would not forget that. George again said that he did not say Larry Helm modified the email, but that only two people had access to the email password. Since these two people were either a public official or public employee, and the alteration was to a public record, it should be investigated so the matter could be appropriately dealt with.

Larry Davis agreed that it needs to be investigated. The proposal is that WSCC look at this as a third party to investigate and come up with an outcome.

**Larry Davis moved that the matter be forwarded to the Washington State Conservation Commission for investigation. Heather Christianson seconded the motion. (1 recusal – LH - 1 abstained from vote – TS)**

Larry Davis pointed out the crux of the matter is that a public record was altered. How did that happen? Larry Davis also said that there needs to be three yeas to pass a motion. Theresa Sygitowicz offered an amendment.

**Theresa Sygitowicz moved to include “investigation body will be independent of anyone in the Whatcom Conservation District office” to the motion. Larry Davis seconded the motion. The motion passed. (TS withdrew her abstention - LH recused himself from vote.)**

2. Grievance against a Board member for interfering with the delegated authority of the Executive Director. George explained that the District personnel manual describes the respective roles of Board and executive director in District operations. It does not address how an employee could raise a complaint about the behavior of a Supervisor. The subject

of the complaint arose when Theresa asked that an Executive Session be added to the agenda to discuss a personnel matter. George had asked her for the name of the employee because employees had the right under the law for personnel matters to be heard in open session. Whomever that employee was needed to know so s/he could assert their rights. Theresa had refused to provide that information.

Theresa explained that she wanted to have the Executive Session to discuss how to handle election complaints. She indicated that she contacted the WSCC and they said that she could have an Executive Session. George responded that the request to him was to consider a personnel matter.

Theresa said that the complaint was about procedures not employee behavior. George discussed the email apology for the email addresses being given out. He expressed that Theresa's grievance was not being communicative, but was being obstructive.

Larry Davis expressed that the process/procedure issue is intertwined with the staff issue. WSCC has already received complaints regarding the District's election. Larry Davis thinks WCD Board should let the WSCC investigation play out. He does not like having an Executive Session "sprung" on him, especially without any information regarding the matter.

Heather suggested that the Executive Director would like to have mediation to repair the relationship with Supervisors. She would support the repairing of relationships. The District should have WSCC mediate the process. Heather encourages the mediation of the process to repair the relationship between Supervisors and Executive Director.

**Larry Davis moved that the Whatcom Conservation District Board request that the Washington State Conservation Commission provide mediation service to repair the relationship between Supervisors and Executive Director. Heather Christianson seconded the motion. The motion passed. (1 abstain – TS, 1 nay – LH)**

That issue completed, Larry Davis passed the meeting chair back to Larry Helm.

## **VII. Other Business.**

### **A. Alex Hall, Natural Resources Conservation Service (NRCS).**

Alex reported on activities with the various cost-share programs that NRCS administers.

### **B. Supervisor Reports.**

The Board members gave updates on their activities and meetings attended since the last Board meeting.

Theresa attended the Firewise meeting in Ellensburg. The Firewise program budget is now with the Department of Natural Resources. The Challenge is to get funds from DNR to the local Conservation Districts for Firewise program. The Commission will seek funds for Firewise in the supplemental budget ask to the state Legislatures.

There are conflicts in schedules so the May and June Board meetings were rescheduled.

**Heather Christianson moved to change the next two Board meetings to May 23, 2018 at 1 pm and June 21, 2018 at 1 pm. Larry Davis seconded the motion. The motion passed.**

### **C. George Boggs, Executive Director.**

George gave an update on activities with the Conservation District administration.

Election – George reported that there the WSCC received three written complaints regarding the Whatcom Conservation District election. Bill Eller is investigating all complaints that are received.

George gave an update on the number of applications that the WSCC received to assume Joe Heller’s term.

There was discussion regarding the backlog at NRCS due to the need for Nutrient Management Plans (CNMP) before EQIP cost-share can be applied for by producers. George reported that CD staff attended CNMP planning training.

Larry Helm asked if the Board would get for a tour of projects done by the CD in the past year. Maybe the County Council and legislators could be invited to the tour.

**VIII. Record of Board Actions.**

**18-28 Larry Davis moved to approve the consent agenda: minutes of the November 9, 2017, December 21, 2017, January 11, 2018 and February 8, 2018 Board meetings as mailed, the financial report, authorize payment of District invoices, and incurred expenses (below), as listed in the Accounts Payable Report. The Board further authorizes the payment of District expenses incurred subject to their review and approval at the next Board meeting. Theresa Sygitowicz seconded the motion. The motion passed.**

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**18-29 Theresa Sygitowicz moved to accept Whatcom Community Foundation funds for the purposes described in the scope of work and authorize the board chair to execute an agreement for either an assignment of the original agreement from NSEA or a new agreement directly with the Foundation. This authority is subject to the agreement be substantially the same as the budget and scope of work presented here and consistent with general terms and conditions as are typically found in existing WCD agreements. Larry Davis seconded the motion. The motion Passed.**

**18-30 Theresa Sygitowicz moved to approve and authorize to the Board Chair to execute the contract with the Blaine Birch Bay Park and Rec District #2. Larry Davis seconded the motion. The motion passed.**

- 18-31 Theresa Sygitowicz moved to approve and authorize Aneka Sweeney, Education Coordinator, to coordinate educational events in collaboration with Cloud Mountain Farm Center according to the roles and responsibilities outlined in proposal. Larry Davis seconded the motion. The motion passed.
- 18-32 Larry Davis moved to approve and sign the Lummi Bay Shellfish Enhancement Project Memorandum of Agreement for Phase II. Theresa Sygitowicz seconded the motion. The motion passed.
- 18-33 Larry Davis moved to authorize use of the current Associate Supervisor Application form. Theresa Sygitowicz seconded the motion. The motion passed.
- 18-34 Larry Davis moved that the matter be forwarded to the Washington State Conservation Commission for investigation. Heather Christianson seconded the motion. (1 recusal – LH - 1 abstained from vote – TS)
- 18-35 Theresa Sygitowicz moved to include “investigation body will be independent of anyone in the Whatcom Conservation District office” to the motion. Larry Davis seconded the motion. The motion passed. (TS withdrew her abstention - LH recused himself from vote.)
- 18-36 Larry Davis moved that the Whatcom Conservation District Board request that the Washington State Conservation Commission provide mediation service to repair the relationship between Supervisors and Executive Director. Heather Christianson seconded the motion. The motion passed. (1 abstain – TS, 1 nay – LH)
- 18-37 Heather Christianson moved to change the next two Board meetings to May 23, 2018 at 1 pm and June 21, 2018 at 1 pm. Larry Davis seconded the motion. The motion passed.

**IX. Adjournment.**

There being no further business before the meeting, Larry Helm adjourned the meeting at 2:43 pm.

Dated: August 10, 2018

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Dawn Bekenyi, Administrative Assistant