

**WHATCOM CONSERVATION DISTRICT
Public Meeting Minutes
December 20, 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 December 20, 2018, at 1:00 p.m.

II. Attendance and Quorum.

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

Larry Davis, Chair
Alan Chapman

Heather Christianson, Vice-Chair
Theresa Sygitowicz

Also in attendance were:

George Boggs, Executive Director
Dawn Bekenyi, Admin. Assistant
Hank Kastner

Alex Hall, NRCS staff
Dakota Stranik
Valeri Wade

III. Meeting Called to Order.

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

IV. Public Comment (written or in person).

There were no public comments, written or in person.

V. Consent Agenda.

Larry Davis had a question on discussion of one of the Election resolutions as shown in the draft minutes.

Alan Chapman moved to postpone the Consent Agenda approval until later in the meeting. Theresa Sygitowicz seconded the motion. The motion passed.

The consent agenda was tabled until later during the meeting.

VI. Action Items.

A. Award Presentation.

The Board presented Dawn Bekenyi with an award for her work performance earning a clean audit from the Washington State Auditor's Office.

B. Approval of Cost-share Application.

Accept NRI Cost-share Funding from WSCC –

The Washington State Conservation Commission (WSCC) administers a cost-share program available to farmers across the whole state. Throughout the year, the Whatcom CD Farm Planning Program tracks farmers who request financial assistance for projects that meet the eligibility requirements of the WSCC cost-share. Harold Van Berkum requested financial assistance for Waste Storage Facility and Waste Transfer totaling \$50,000. The WSCC awarded funding to this project November 20, 2018 since it was the next project in the priority ranking for the Natural Resource Investment (NRI) Fund.

Theresa Sygitowicz moved to approve and accept the WSCC funding for Harold Van Berkum in the amount of \$50,000 cost-share plus technical assistance funds. Larry Davis seconded the motion. The motion passed.

Approve Ranking of Livestock Cost-share Projects for Submittal for WSCC Funding –

The Washington State Conservation Commission (WSCC) administers a cost-share program available to farmers across the whole state. There is funding for projects located in both coastal (shellfish) and noncoastal (natural resource investment) drainages. Throughout the year, the Whatcom CD Farm Planning Program tracks farmers who request financial assistance for projects that meet the eligibility requirements of the WSCC cost-share. These projects are entered in the state database, and as funding becomes available WSCC staff ask WCD staff for the priority ranking of the projects. As of December 2018, these are the current farmers requesting cost-share assistance. They have been ranked based on location, need and ability to complete the project by the June 2019 deadline.

Shellfish Funding 1) Kevin Englesma 2) Rich Appel 3) Jeff and Suzzi Snyder 4) Lenssen Dairy 5) Robert Kratzig 6) Herm Douma	Natural Resource Investment Funding 1) Alan Sytsma
---	---

Theresa Sygitowicz moved to approve the WCD staff recommended priority ranking list for cost-share and authorize the Chair to sign contracts upon funding from WSCC. Larry Davis seconded the motion. The motion passed.

The Board asked for a review of how the projects on the list were ranked for the next meeting.

George noted for the record that there is specific statutory authorization for conservation districts receiving cost share assistance without violating the State’s laws regarding conflicts of interest so long as they recuse themselves from participating in the decision.

C. Approval Modification to Lummi Shellfish Enhancement Project Scope of Work.

The District and Lummi Nation and Whatcom Conservation District entered into an agreement for the enhancement of 25 acres of tidelands to support the cultivation of Manila clams in February of 2017. Unforeseen circumstances required modification to the project due to necessary repairs and permit delays from the United States Army Corp of Engineers (ACOE). The Lummi Nations will not be able to utilize funds for the gravel spreading. They are seeking a contract modification to release the \$66,000 allocated for the current fiscal year back to the Washington State Conservation Commission. The modification will move the gravel spreading into the Phase III funding.

Alan Chapman moved to approve the Lummi Shellfish Enhancement Project Scope of Work Amendment 2 and authorize the Chair to sign the amendment as long as it is materially the same as stated in the approved agreement. Theresa Sygitowicz seconded the motion. The motion passed.

D. District Election Policies.

There were some corrections made to the November 15, 2018 Board meeting regarding the District Election Policies. Following the correction, the Board approved the consent agenda with modified minutes for November 15, 2018, financial report and accounts payable. The financial report was mailed to the Board with their draft minutes from the November 15, 2018 meeting. 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.

Alan Chapman moved to approve the consent agenda: minutes of the November 15, 2018 Board meeting as modified, 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. Larry Davis seconded the motion. The motion passed.

The following voucher/warrants are approved for payment:

Nov 2018 - balance					
Bank fee				totaling	10.00
December 2018					
Employee Retirement (check numbers)	26364	through	26367	totaling	1,983.91
Voucher (check) numbers:	26368	through	26382	totaling	13,002.54
Payroll (direct deposit & tax EFT)				totaling	41,513.55
Vouchers (check) numbers	26383	through	26385	totaling	31,966.34
Payroll (retirement checks, direct deposit & tax EFT)	26386	through	26389	totaling	41,309.36
Vouchers (check) numbers	26390	through	26459	totaling	122,005.96

Proceeded to the second reading of the District Election Policies.

Resolution 18-60 – Ballots

Staff recommend not to adopt this policy. The Board recommended staff conduct an outreach blitz, including press release, to inform the public to look for their ballots if they requested one. The Board decided that the resolution was unnecessary.

There was no motion to approve Resolution 18-60. No vote taken.

Resolution – 18-61 – Candidate Recruitment

There was discussion about the intent of the policy. Alan was unclear about what the policy was trying to address. Larry suggested the public perception would be that staff don't want to be seen actively recruiting someone that they will work for. Alan said that the proposed policy seems like a restriction on behavior of people outside of work time when they are acting as a private citizen. Larry suggested that staff use prudent common sense when not acting in behalf of the Conservation District. George cautioned that the Board cannot restrict a person's constitutional rights. The Board must be very specific in the language of any proposed policy. Item 4 is talking about an official position, so does not address staff. Heather pointed out that the WAC says that Conservation Districts must remain impartial.

Larry Davis moved to not approve Resolution 18-61 Candidate Recruitment. Heather Christianson seconded the motion passed.

Larry Davis moved to take Resolution 18-61 Candidate Recruitment bullet numbers 1-3 under consideration during work to revise the employee manual. Alan Chapman seconded the motion. The motion passed.

Resolution 18-62 – Board/Staff Involvement in Elections and Responding to Election Complaints

Larry reported that this resolution was modified for a new second reading in an attempt to address a slice of a grievance. It was decided to address the grievance.

One of two issues was brought to the attention of the Board. Theresa showed concern with how the issue was addressed. She wants to make sure that any and all outside statements concerning the election are approved by the Board or their designate. In order to regain the District's credibility. She feels the need for a formal policy on the matter.

Alan Chapman noted that Dawn as the Election Supervisor is to deal with the election issues. However the issue that came up was not an election issue, but a general Conservation District issue.

There was discussion regarding the proposed policy is drafted as a way to micromanage the Executive Director.

The Board discussed the Aspen Groups presentation on how Boards and Executive Directors should work together. This could be dealt with in another manner, not a resolution. The Board wants to be well informed, but don't need to micromanage staff.

There was discussion that this was an issue during the last election and should be addressed. Heather pointed out that the issue was addressed when the Washington State Conservation Commission investigated the election complaints and found no concern or problem. There should be no need to further the matter.

Alan Chapman moved to not move Resolution 18-62 Board/Staff Involvement in Elections and Responding to Election Complaints forward in the approval process, but keep it in mind when dealing with micromanagement issues between the Board and Executive Director. Heather Christianson seconded the motion. The motion passed. (2 for 1 against)

Resolution 18-63 – Staff & Board Involvement

Resolution 18-63 was merged with POLICY RESOLUTION #2018-61 (Elections/Appointments for District Supervisor – Candidate Recruitment) for discussion at this meeting.

Resolution 18-64 – Public Statements –

The Board affirmed that this Resolution is not necessary, as reflective in the November 15, 2018 meeting minutes

There was no motion to approve Resolution 18-64. No vote taken.

Resolution 18-65 – Signature Verification

Alan suggested to remove the "annual basis subject to available funding." He doesn't want to have to automatically do if we don't have to. There should be a reason to have this resolution.

There was discussion about whether signature verification is necessary. It is not required under Conservation District Election law.

Theresa mention that the Board approved signature verification for this election at the May Board meeting. Larry suggested that it was a spur of the moment reaction. There was no cause for the need to implement.

Theresa wanted to have the next two elections have signature verification. Alan was not in favor of this since there are limited funds available. Heather pointed out that now fraud was seen with the last election.

After further discussion, the Board decided to have Whatcom County Elections do signature verification for the 2019 election. There will be no resolution policy regarding signature verification.

Larry Davis moved that for the 2019 Conservation District Supervisor Election all mail-in absentee ballots will be subject (under go) to signature verification by the Whatcom County Auditor's Office Election division. Theresa Sygitowicz seconded the motion. The motion passed.

There was no motion to approve Resolution 18-65. No vote taken.

E. Clarify when/how Public Comment to be permitted

Larry introduced a resolution regarding the orderly receipt of public comment. He expressed the need to provide a balance for public comment with the need to complete the work of Board without undue delay. There was discussion regarding public comment and how other agencies handle the matter. The suggestion to have sign-in sheets with the topic that the individual would like to speak to available to address public comment.

VII. Other Business.

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

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

There was a higher than normal interest in high tunnels due in part to the NRCS's participation in the Conservation District's funding workshop.

NRCS cannot obligate any funds until the new Farm Bill is signed. The new program rules will have to come out before new contracts can be written. So all contracts are on hold now.

The pending government shutdown was unknown at this time.

B. Supervisor Reports.

Three Supervisors submitted written reports of their activities for the past month.

Theresa shared highlights from the WACD Annual convention. Larry Davis was elected as WACD Secretary. NRCS hired a new area conservationist, Joe Williams. The WACD annual meeting will be in Tacoma for the next two years.

C. George Boggs, Executive Director.

George submitted his written report to the Board.

The Washington Department of Fish & Wildlife (WDFW) is going to meet with Frank and Aneka regarding available funding for fish screens.

George reported on the meeting with the Management Team to revise the Long Range Plan. They suggested public meetings to the community around the county. It was also suggested that the District attend other groups meetings. The board talked about having a Board meeting or special meeting to discuss the public meetings and how they would work.

George spoke to the Aspen Group presentation Reinventing Your Board at the WACD Annual meeting. It would set the framework for a policy for Board, manager and staff. Set the framework on how to deal with policies. There was discussion about sharing Spokane Conservation District policies with the Board. It was suggested that having something that clarifies how the Board interacts with the Executive Director would be helpful.

Timelines for Public Outreach for the Annual Plan of Work, Policies and how to advance them, discussed regarding who are our clients should be discussed in future meetings.

VIII. Record of Board Actions.

18-81 Alan Chapman moved to postpone the Consent Agenda approval until later in the meeting. Theresa Sygitowicz seconded the motion. The motion passed.

18-82 Theresa Sygitowicz moved to approve and accept the WSCC funding for Harold Van Berkum in the amount of \$50,000 cost-share plus technical assistance funds. Larry Davis seconded the motion. The motion passed.

18-83

Shellfish Funding 1) Kevin Englesma 2) Rich Appel 3) Jeff and Suzzi Snyder 4) Lenssen Dairy 5) Robert Kratzig 6) Herm Douma	Natural Resource Investment Funding 1) Alan Sytsma
---	---

18-84 Theresa Sygitowicz moved to approve the WCD staff recommended priority-ranking list for cost-share and authorize the Chair to sign contracts upon funding from WSCC. Larry Davis seconded the motion. The motion passed.

18-85 Alan Chapman moved to approve the Lummi Shellfish Enhancement Project Scope of Work Amendment 2 and authorize the Chair to sign the amendment as long as it is materially the same as stated in the approved agreement. Theresa Sygitowicz seconded the motion. The motion passed.

18-86 Alan Chapman moved to approve the consent agenda: minutes of the November 15, 2018 Board meeting as modified, 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. Larry Davis seconded the motion. The motion passed.

The following voucher/warrants are approved for payment:

Nov 2018 - balance					
Bank fee				totaling	10.00
December 2018					
Employee Retirement (check numbers)	26364	through	26367	totaling	1,983.91
Voucher (check) numbers:	26368	through	26382	totaling	13,002.54
Payroll (direct deposit & tax EFT)				totaling	41,513.55
Vouchers (check) numbers	26383	through	26385	totaling	31,966.34
Payroll (retirement checks, direct deposit & tax EFT)	26386	through	26389	totaling	41,309.36
Vouchers (check) numbers	26390	through	26459	totaling	122,005.96

18-87 Larry Davis moved to not approve Resolution 18-61 Candidate Recruitment. Heather Christianson seconded the motion passed.

18-88 Larry Davis moved to take Resolution 18-61 Candidate Recruitment bullet numbers 1-3 under consideration during work to revise the employee manual. Alan Chapman seconded the motion. The motion passed.

- 18-89 Alan Chapman moved to not move Resolution 18-62 Board/Staff Involvement in Elections and Responding to Election Complaints forward in the approval process, but keep it in mind when dealing with micromanagement issues between the Board and Executive Director. Heather Christianson seconded the motion. The motion passed. (2 for 1 against)**
- 18-90 Larry Davis moved that for the 2019 Conservation District Supervisor Election all mail-in absentee ballots will be subject (under go) to signature verification by the Whatcom County Auditor's Office Election division. Theresa Sygitowicz seconded the motion. The motion passed.**

IX. Adjournment.

There being no further business before the meeting, Theresa Sygitowicz moved to adjourn the meeting at 3:47 p.m. Larry Davis seconded the motion. The motion passed.

The meeting, on motion duly made, seconded and carried, adjourned at 3:47 p.m.

Dated: April 12, 2019

Dawn Bekenyi, Administrative Assistant