



# Whidbey Island Conservation District

P.O. Box 490 – 1 NE 4<sup>th</sup> Street, Coupeville, WA 98239 - 360.678.4708 Fax: 360.678.2271

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## Public Meeting Minutes October 23, 2019; 9:00 AM – 12:00 PM

### 1 Public Meeting

A regular meeting of the Board of Supervisors of the Whidbey Island Conservation District was held at the Whidbey Island Conservation District office, 1 NE 4<sup>th</sup> Street, Coupeville, WA.

### 2 Attendance and Quorum

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

Ed Adams - Chair	Tim Keohane - Member
Anza Muenchow – Auditor	Tom Fournier – Member

**Also in attendance or presenting:**

Matt Zupich – WICD District Manager  
Sandy Welch – WICD Office/Fiscal Administrator

### 3 Call to Order and Welcome

Ed Adams, Board Chair, called the meeting to order at 9:03 a.m.

### 4 Minutes

**Motion (1) Anza Muenchow moved to approve the minutes of the September 25, 2019 board meeting as written. Motion passed.**

### 5 Financial Report and Other Business

- Sandy Welch presented the monthly Financial Report. There was discussion about the annual rent increase for the WICD office and potential for moving into a larger office space.

**Motion (2) Anza Muenchow moved to approve the Payroll, Expense, and Voucher #s 6614-6638 totaling \$36,191.73; 3<sup>rd</sup> Quarter deposits to Employment Security and L&I totaling \$665.14; Bank POS purchases totaling \$1,625.90; EFTPS monthly 941 payroll tax filing totaling \$5,416.44. Motion passed.**

### 6 Contracts, Agreements, Resolutions

- Sandy reviewed a proposed resolution setting the date and location of WICD's 2020 elections.

**Motion (3) Tom Fournier moved to approve the WICD 2020 Elections Resolution # 19\_10\_1. Motion passed.**

- Matt Zupich reviewed a proposed resolution establishing an appeals process for landowners subject to WICD's system of rates and charges in accordance with RCW 89.08.405 (5)(a-c).

**Motion (4) Anza Muenchow moved to approve the WICD Appeals Process for Rates & Charges Resolution # 19\_10\_2. Motion passed.**

- Matt reviewed the procedure for completing WICDs "Land Occupier District Cooperative Agreement". He presented 2 cooperative agreements signed by the landowners and WICD planners who will be developing the conservation plans. He requested board approval and signature on these agreements.

**Motion (5) Tim Keohane moved to approve and sign the Eckholm and Nattress cooperative agreements. Motion passed.**

### 7 NRCS Report

- Matt Zupich gave the NRCS report on behalf of Jared Hamman, NRCS Resource Conservationist.

### 8 WSCC Report

- Matt Zupich gave the WSCC report on behalf of Jean Fike, WSCC Regional Manager.

**9 District Manager Report**

- Matt Zupich reported that the 2<sup>nd</sup> Annual Orca Day was very successful locally with 89 participants planting over 500 plants and removing innumerable weeds at 3 sites – Cornet Bay, Sunlight Shores, and the Greenbank Farm. WICD partnered with Island County Marine Resources Committee, WSU Extension, Northwest Straits Foundation, Skagit Fisheries Enhancement Group, and the Port of Coupeville to put on these events.
- Matt reported that FCS Group, WICD's rate study consultant, has initiated the rates & charges roll development process with the Island County Treasurer and Assessor. The goal is to develop and submit the roll in time to be included in Island County's 2020 tax statements.
- Matt reported he has been working with several other CDs in the Puget Sound region to develop a shared forester program similar to the existing cluster engineer program. This group is considering an NRCS RCPP grant, modeled after an existing RCPP being implemented by several SW WA CDs, to promote and provide forest health technical and financial assistance as well as provide initial funding for the shared forester concept. The board expressed support to continue pursuing this concept.
- Matt reported that the SCC is proposing changes to the conservation district elections statute and is seeking feedback from individual districts. He and Sandy reviewed all seventy-six (76) proposed changes and selected nine (9) that raised concern to present to the board for feedback. The board provided input and Matt will submit comments back to the Commission as requested.

**10 Upcoming Dates and Review of Motions**

- November 11 – Veteran's Day Holiday, office closed
- November 20 – WICD Board meeting, 9 am – Noon
- November 28-29 – Thanksgiving Holiday, office closed
- December 3-4 – WACD Annual Conference, Tacoma
- December 18 – WICD Board meeting, 9 am – Noon
- December 25 – Christmas Day Holiday, office closed

**Motion (1) Anza Muenchow moved to approve the minutes of the September 25, 2019 board meeting as written. Motion passed.**

**Motion (2) Anza Muenchow moved to approve the Payroll, Expense, and Voucher #s 6614-6638 totaling \$36,191.73; 3rd Quarter deposits to Employment Security and L&I totaling \$665.14; Bank POS purchases totaling \$1,625.90; EFTPS monthly 941 payroll tax filing totaling \$5,416.44. Motion passed.**

**Motion (3) Tom Fournier moved to approve the WICD 2020 Elections Resolution # 19\_10\_1. Motion passed.**

**Motion (4) Anza Muenchow moved to approve the WICD Appeals Process for Rates & Charges Resolution # 19\_10\_2. Motion passed.**

**Motion (5) Tim Keohane moved to approve and sign the Eckholm and Nattress cooperative agreements. Motion passed.**

**11 Adjourned at 11:06 a.m.**



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Whidbey Island Conservation District  
Resolution # 19.10\_1  
**10/23/19**

WHEREAS, the Board of Supervisors of the Whidbey Island Conservation District ("District") operates under the laws of the State of Washington applicable to conservation districts.

WHEREAS the District is governed by a five-member board, as set out in RCW Chapter 89.08 and WAC Section 135-110.

It is RESOLVED that a mail in and poll site election for an open position on the District board of Supervisors will be held on Feb 4, 2020 from 2:00 - 6:00pm at the District office, 1 NE 4th Street, Coupeville, WA 98239.

The elected position who's term is expiring in May 2020 is currently held by Ann "Anza" Muenchow.  
The appointed position who's term is expiring in May 2020 is currently held by Thomas Fournier.

Interested candidates must be registered voters who reside within the boundaries of the District. Candidates may be required to be landowners or operators of a farm, depending on the current composition of the District board of supervisors. The filing deadline for candidates to file their candidate information is Jan 7, 2020. Interested candidates must file their candidate information at the following location: 1 NE 4th St, Coupeville, WA - mailed to PO Box 490, Coupeville, WA 98239.


Eligible voters are registered voters who reside within the boundaries of the District. The last day and time that voters can request absentee ballots from the District is Jan 14, 2020. Absentee ballots can be requested from Whidbey Island Conservation District, [wicd@whidbeycd.org](mailto:wicd@whidbeycd.org), 360-678-4708 - 1 NE 4th St, Coupeville, WA 98239.

The election supervisor will be Sandy Welch.

A conservation district supervisor is a public official who serves without compensation and who sets policy and direction for the conservation district. The published election procedures can be viewed at the District office and are available from the Washington State Conservation Commission at <http://scc.wa.gov/>.

Adopted at a regular board meeting of the District Board of Supervisors on Oct. 23, 2019.

  
Chair Signature

  
Board member

  
Board member

## **Whidbey Island Conservation District**

### **Resolution No. 19\_10\_2**

#### **Appeal Process for Rates and Charges**

A RESOLUTION of the Board of Supervisors of Whidbey Island Conservation District, relating to a system of rates and charges; establishing a process to provide for land owner appeals of rates and charges as applicable to a parcel or parcels; and, providing for other matters properly related thereto all as more particularly set forth herein.

The Board of Supervisors of the Whidbey Island Conservation District, Island County, Washington, hereby resolves as follows:

**SECTION 1. FINDINGS AND DETERMINATIONS.** The Board of Supervisors (the "Board") of Whidbey Island Conservation District, Island County, Washington (the "District") hereby makes the following findings and determinations:

- 1.1. The District proposed to the Board of Island County Commissioners ("Island County") a system of rates and charges to recover the costs of carrying out the District's programs, services and conservation projects, pursuant to RCW 89.08.405.
- 1.2. Island County adopted a system of rates and charges, as proposed by the District, by Ordinance C-86-19 on September 24, 2019.
- 1.3. RCW 89.08.405 provides that the District shall establish by resolution a process for landowner appeals of rates or charges (collectively, "rates") as applicable to a parcel or parcels.
- 1.4. The process authorized by the Legislature for the District's collection of rates is through the Island County-managed property tax statement. This Resolution establishes an appeal process, as required by RCW 89.08.405, that is available to owners of property following receipt of annual property tax statements.

#### **SECTION 2. APPEAL OF RATES.**

- 2.1. Any person subject to rates enacted by Island County Ordinance No. C-86-19 may appeal a rate by applying in writing to the District. The rate appealed must first be paid. Filing an appeal does not extend the period for payment of the rate. Delinquent accounts will not be acted upon until paid in full.
- 2.2. An appeal and request for a bill adjustment may be based on one or more of the following:
  - 2.2.1. The area of the parcel is incorrect;
  - 2.2.2. The property is not assigned the proper rate category;
  - 2.2.3. The parcel is wholly or partially outside the District boundaries; or

2.2.4. The rate is otherwise erroneous in applying the terms of Island County Ordinance No. C-86-19, as adopted by Island County.

2.3. Any appeal and application for adjustment may be made to the District and shall be decided by the District Board of Supervisors. The burden of proof shall be on the appellant to show that the rate adjustment sought should be granted. All decisions of the District regarding an appeal shall be final and conclusive.

2.4. Any appeal and application for rate adjustment must be filed no later than twenty-one (21) days after the date first payment of annual property taxes are due. An appeal shall contain the Island County account/parcel number; the name of the owner of the property; a written statement of the basis for the appeal; address of the owner if different from the address shown on the Island County assessor records; appellant's phone number(s) for communication with the appellant; and, the signature of the owner(s) of the property. An appellant is responsible for advising the District of any change in any mailing address or phone number. Failure to respond to District communications regarding an appeal shall be grounds for dismissal of the appeal.

2.5. Hearing Process.

2.5.1. Prehearing Conference. Once an appeal has been timely filed, the District Manager or designee shall schedule a Prehearing Conference with the appellant within fourteen (14) days. An appellant is required to participate in the Prehearing Conference to assist in expediting the appeal, setting a hearing date, and identifying potential for settlement. If the hearing date is not established at the Prehearing Conference, the District shall give separate written notice to appellant no later than fourteen (14) days prior to the hearing.

2.5.2. Expert Witnesses. An appellant shall file in writing, if at all, direct expert testimony from each of appellant's expert witnesses, along with copies of any exhibits introduced through or relied upon by the expert witnesses. Filing of expert testimony shall be no later than seven (7) days prior to the appeal hearing.

2.5.3. Appeal Hearing. The hearing shall consist of the following:

A. Opening Statements.

B. Appellant's Case. An appellant's case at the hearing shall be limited to the presentation of lay testimony, to cross-examination by District of any witness whose testimony has been offered by appellant, including expert witnesses whose testimony has been offered in writing pursuant to this rule, and to appellant's redirect examination of any witness from whom cross-examination testimony is taken.

C. District's Case. The District's case at the hearing shall be limited to the presentation of lay testimony, to cross-examination by appellant of any witness whose testimony has been offered by District, including expert witnesses whose testimony has been offered in writing, and to District's redirect of any witness from which cross examination testimony is taken.

D. Closing Argument.

E. Decision. The Board shall enter a written decision within 14 days after the close of record of the Appeal hearing.

2.6. If the District grants an adjustment which reduces the charge for the current year, the applicant shall be refunded the amount overpaid. If the District determines that an adjustment should be made which increases the charge due for the current year, the applicant shall receive a supplemental bill that will be due within forty-five (45) days of the date of issue. An appellant seeking a rate adjustment shall be notified in writing of the District's decision.

2.7. The final written decision of the Board of Supervisors may be appealed, if at all, to the Island County Superior Court no later than twenty-one (21) days after the date of the Board's written decision. The party appealing to Superior Court shall bear the cost of production of the record of hearing before the Board for filing with the Court, such cost to be recoverable in the determination of the Superior Court that the party appealing to the Superior Court substantially prevailed in the appeal.

**SECTION 3. DISTRICT MANAGER AUTHORITY.** The District Manager is authorized prior to or after the hearing under Section 2.5, to settle claims and resolve disputes over rates, rate category or classification, and other matters applicable to parcels that are subject to appeal. The District Manager shall report such settlements to the Board at a regularly scheduled meeting.

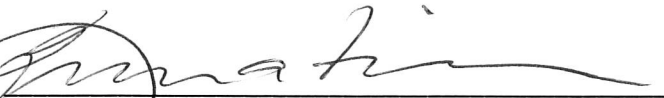
**SECTION 4. RATIFICATION AND CONFIRMATION.** Any action taken consistent with the authority and prior to the effective date of this Resolution is hereby ratified, approved and confirmed.

**SECTION 5. EFFECTIVE DATE.** This Resolution shall become effective immediately upon its adoption.

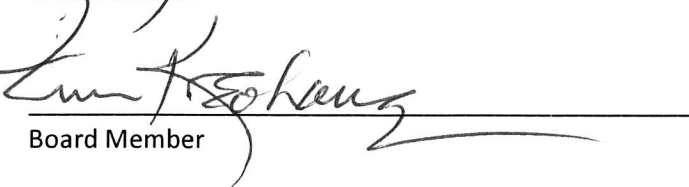
**ADOPTED BY THE BOARD OF SUPERVISORS** of Whidbey Island Conservation District, Washington, at a regular open public meeting thereof, and effective this 23<sup>rd</sup> day of October, 2019.



Chair



Board Member



Board Member