



OPEN SPACE CONSERVANCY TRUST SPECIAL VIDEO MEETING

Thursday, October 15, 2020 at 5:00 PM

BOARD MEMBERS:

Chair Marie Bender
Vice Chair Thomas Hildebrandt
Secretary Craig Olson
Board Members: Lisa Anderl, Carol Lynn Berseth,
Hillary Ethe, Geraldine Poor

LOCATION & CONTACT

Mercer Island City Hall – Zoom Meeting
9611 SE 36th Street | Mercer Island, WA 98040
Phone: 206.275.7706 | www.mercerisland.gov

In compliance with the Americans with Disabilities Act, those requiring accommodation for meetings should notify the Staff Liaison at least 24 hours prior to the meeting at 206.275.7706.

Virtual Meeting Notice

The virtual meeting will be broadcast live on Zoom and recorded and saved on the City's [YouTube Channel](#)

Join by Telephone at 5:00 PM: To listen to the meeting via telephone, please call **253.215.8782** and enter Webinar ID **811 6361 6127** and Password **851646** when prompted.

Join by Internet at 5:00 PM: To watch the meeting over the internet via your computer, follow these steps:

- 1) Click [this link](#)
- 2) If the Zoom app is not installed on your computer, you will be prompted to download it.
- 3) If prompted for Webinar ID, enter **811 6361 6127**; Enter Password **851646**

For the safety and wellbeing of the public and staff, the City strongly recommends that community members attend the meeting by viewing the live feed on Zoom or watching the recording of the video conference on the City's [YouTube Channel](#), which will be available approximately 24 hours after the meeting.

CALL TO ORDER & ROLL CALL, 5:00 PM

WELCOME & INTRODUCTION OF NEW TRUSTEES

PUBLIC APPEARANCES

REGULAR BUSINESS

1. Election of Officers:
 - A. Nominate a Board member to serve as Chair
 - B. Nominate a Board member to serve as Vice Chair
 - C. Nominate a Board member to serve as Secretary
2. Review and Consider Approving Minutes of the January 16, 2020 OSCT Regular Meeting.
3. City Operations Update
4. Review and Consider Update to OSCT Bylaws (first review)

OTHER BUSINESS

5. Quadrant Reports
6. Next Meeting

ADJOURNMENT



OPEN SPACE CONSERVANCY TRUST BOARD MEETING MINUTES JANUARY 16, 2020

Call to Order:

Chair Bender called the meeting to order at 6:03 PM.

Roll Call:

Chair Marie Bender, Vice Chair Thomas Hildebrandt, Secretary Craig Olson, Trustee Carol Lynn Berseth, and Trustee Geraldine Poor.

Staff present were Alaine Sommargren, Interim Parks Operations Manager, and Kim Frappier, Natural Resources Specialist.

Minutes:

Trustee Poor requested one amendment to the November minutes. Trustee Olson moved to approve the minutes with noted amendment. Trustee Berseth seconded.

Motion passed: 5-0.

Public Appearances: There were no public appearances

Regular Business:

(I) Eagle Scout Recognition

Natural Resources Specialist Frappier introduced Elliott Hendrickson to the Board providing an overview of his Eagle Scout Project. Chair Bender presented Mr. Hendrickson with a thank you letter and Certificate of Accomplishment from the OSCT Board.

(II) Draft 2019 Annual Report and 2020 Work Plan

Interim Parks Operations Manager Alaine Sommargren and Natural Resources Specialist Frappier presented the 2019 Annual Report and 2020 Work Plan. Trustees requested some clarification to the 2019 Annual Report. Trustees noted that in the Letterboxing section, the first paragraph should be amended to include that the OSCT Board hosted an information tent with staffing by members of the Board as well as Parks and Recreation staff. Chair Poor requested clarification and further explanation in the Forest Health and Management section. Given that the City Council has several new members, she would like to see a more comprehensive overview that provides additional background on forest management activities. Trustees requested two wording changes to the 2020 Work Plan. Interim Park Operations Manager Sommargren will make the amendments and work with Chair Poor to finalize the report.

Chair Poor moved to approve the 2019 Annual Report and 2020 Work Plan with modifications. Olson seconded.

Motion passed: 5-0.

(III) Trails and Roots Update

Interim Parks Operations Manager Alaine Sommargren updated the Board on the work accomplished to date to address roots protruding into trails. She reported that Trails Specialist Andrew Prince worked with the Parks Maintenance staff to grind down roots that were attached to dead trees in eight areas. He also painted roots of those being retained that are attached to live trees. He will close the redundant trail around a large Douglas fir and will create rockery patches around raised roots in a couple of areas to test this approach as discussed at the November 2019 meeting.

(IV) Other business**Parks and Recreation Updates**

Interim Parks Operations Manager Sommargren gave the following updates:

- 1) The Parks maintenance crew replaced 5 Mutt Mitt dispersers with new green board. The older dispersers were rotting out.
- 2) There were several blowdowns across trails due to bad weather. The maintenance crew cleared trails in the SE quadrant on 1/16/20 and will be working in the NE quadrant on 1/17/20.
- 3) An eagle scout is working with Diane Mortenson from Parks and Recreation and Chair Hildebrandt to get the Hatheway Bench repairs going again.
- 4) The City is recruiting to fill the vacant position on the OSCT Board. The new Council Liaison should be appointed for the March 2020 meeting.

Deer Population

Trustees inquired about the deer population on the island and the impacts that deer have in the Park. Staff explained that the City does not have a census of deer on the Island. The biggest impact is from bucks rubbing their velvet off on the bark of saplings and nibbling of young saplings. Staff noted that several deer have been killed by cars this past year. In exposed areas, staff have been installing galvanized wire protection around young trees. This is not always feasible in more remote areas.

(V) Quadrant Reports**NW Quadrant:** Trustee Berseth

Trustee Hildebrandt reported that the interior trails of the NW quadrant have a lot of branches across the trails and need to be cleared out.

NE Quadrant: Trustee Poor and Trustee Bender

Trustee Poor reported a lot of water on trails.

SE Quadrant: Secretary Hildebrandt and Trustee Olson

Trustee Hildebrandt noted that the trails in the SE Quadrant are muddy and have a lot of water collecting on them. Trustee Olson reported that there is currently a lot of horse manure being left on trails. Staff will follow up with the Saddle Club. He also noted that there is significant ivy growing in the SE corner of the SE quadrant that needs to be addressed.

(VI) Next Meeting

The next meeting is scheduled for March 19, 2020.

Adjournment: 6:42 PM

Marie Bender, Chair

Attest:

Kim Frappier, Scribe



OPEN SPACE CONSERVANCY TRUST STAFF REPORT

Item 4
October 15, 2020
Regular Business

AGENDA ITEM INFORMATION

TITLE:	Review and Consider Update to OSCT Bylaws	<input checked="" type="checkbox"/> Discussion Only <input type="checkbox"/> Action Needed: <input type="checkbox"/> Motion <input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution
	RECOMMENDED ACTION:	
STAFF:		
COUNCIL LIAISON:	Lisa Anderl	
EXHIBITS:	1. Amended Bylaws	

SUMMARY

BACKGROUND

At the September 20, 2018 meeting, the Open Space Conservancy Trust Board of Trustees (“OSCT”) adopted its current Bylaws.

PROPOSED AMENDMENTS

Section I – Objection and Purpose

C. Correction to Typo

Section II – Organization

- A. At its February 4, 2020 meeting (see [AB 5657](#)), the City Council amended its appointment process from a Mayoral appointment to appointment by a full vote of the City Council.

The City Council member appointment remains unchanged and is made by the Mayor.

- C. Housekeeping. Councilmembers are appointed by the Mayor for two years.

Two-term limits is consistent with other board and commission members appointed by the City Council, as outlined in Title 3 of the Mercer Island City Code.

- D. Consistent with appointment process, Section II(A).

- E. Add “Removal” language consistent with other boards and commissions outlined in Title 3 of the Mercer Island City Code.

- F. Officers and Duties – Clarifying language added to define and separate the duties of officers and the responsibilities assigned to the staff liaison by the city manager.

Update to staff title.

- G. Election Procedures - Updated to clarify process and be consistent with term limits.

- I. Process improvement

Section III. Meetings

- A. Correction to verb relationship.

Ensures that OSCT meetings comply with the Open Public Meetings Act (“OPMA”) pursuant to [RCW 42.30](#)

- B. Consistent with Ordinance No. [96-002](#), provides flexibility to call special meetings as needed, and improves efficiency during a period of reduced staffing.
- C. Adds clarifying language.
- D. Adds language consistent with Ordinance No. 96-002 and defines special meetings pursuant to the OPMA.
- E. Adds clarifying language and complies with the OPMA agenda requirements.
- F. Meeting Cancellation – Added to clarify process and address cancellations deemed necessary due to an emergency.

Section IV. Powers and Duties

- D. Correction to typos

Section V. Amendments – Process correction. Amending the Bylaws does not require public participation. All meetings and agendas are noticed pursuant to the OPMA and meeting materials are available on the City’s website for public access.

Section VI. Bylaws Review – Housekeeping and clarifying language added.

Job Description

Housekeeping and clarifying language added.

Training requirements added pursuant to Washington State Law and [Chapter 2.6](#) of the Mercer Island City Code.

PROCESS

In accordance with Section V. Amendments, written notice was provided to the Board of Trustees and public two weeks in advance of consideration of the proposed amendments via legal notice in the Mercer Island Reporter on September 30 and the City’s website.

NEXT STEPS

A second reading and review is scheduled for the November 19, 2020 Regular Meeting. A two-thirds majority vote of all members (5 out of 7) of the Board of Trustees is required for adoption.

RECOMMENDATION

Review and provide staff direction.

**BYLAWS OF THE
MERCER ISLAND OPEN SPACE CONSERVANCY TRUST**

I. Objective and Purpose

To carry out the purposes of the Mercer Island Open Space Conservancy Trust, as established by City of Mercer Island Ordinance No. B-93 dated March 11, 1992 and amended by Ordinance No. 96-002 dated May 6, 1996 and restated herein as follows:

- A. Receiving and holding all Open Space Properties transferred to the Trust by the City Council, or by other governmental or private land owners with approval of the City Council, in perpetuity, or until such time as this Trust is terminated or any such Open Space Property is removed from this Trust by the occurrence of one or more conditions set forth in this Trust;
- B. Protecting, maintaining, and preserving the Open Space Properties; and
- C. Ensuring that the development and use of Open Space Properties are both consistent and compatible with the intent and purposes of this Trust and the guidelines and policies enacted pursuant to this Trust.

II. Organization

- A. Number and Appointment. The Board of Trustees shall consist of seven voting trustees. ~~Seven voting members to be appointed by the mayor, subject to confirmation by a majority of the City Council, serving at the pleasure of the Council.~~ Six of the ~~members-trustees~~ shall be citizens-at-large who reside in the city and shall be appointed by a vote of the city council during a regularly scheduled meeting. ~~and one~~ One member-trustee shall be a City Council member and shall be appointed by the Mayor.
- B. The trustees shall receive no compensation for their services.
- C. Term Limits. The trustees shall serve for the following terms: the City Council Member shall serve a ~~two~~one-year term; citizens-at-large shall serve four-year terms; provided however, for the initial appointed term, one citizen-at-large shall serve a four-year term, one shall serve a five-year term, and one shall serve a six-year term. Thereafter, the citizens-at-large shall serve four-year terms.

No trustee shall serve more than two consecutive terms. If a trustee is appointed to a vacancy with two or more years remaining on the

term, that term will be deemed a full term. If a trustee is appointed to a vacancy with less than two years remaining in the term, that term will not count toward the two-consecutive-term limit.

D. Vacated seats shall be ~~filled by the Mayor, subject to confirmation by the City Council,~~ appointed by a vote of the city council during a regularly scheduled meeting, for the remainder of any unexpired position.

E. Removal. Trustees may be removed by the mayor and deputy mayor, with the concurrence of the city council, for neglect of duty, conflict of interest, malfeasance in office, or other just cause, or for unexcused absence from more than two consecutive regular meetings. The decision of the city council shall be final and there shall be no appeal therefrom. Trustees finding themselves unable to regularly attend meetings are expected to resign and notify the chair and staff liaison.

~~E~~F. Officers and Duties. The officers of the ~~trust board~~ Board of Trustees shall consist of a chairperson, vice chairperson, and corresponding secretary and will perform the following duties:

1. ~~The c~~Chairperson. The Chairperson shall ~~shall schedule meetings,~~ preside over the meetings, and represent the Open Space Conservancy Trust, ~~when meeting with the Park and Recreation director~~ Chief of Operations, ~~meet with the and City Council,~~ ~~set up meetings, distribute materials,~~ and The chairperson shall also appoint ~~members trustees~~ members trustees and chairpersons to serve on ad hoc committees ~~of committees of the Board of Trustees,~~ all as necessary to further the purposes and objectives of the Trust.
2. The Vice chairperson shall serve as presiding officer in the absence of the chairperson and shall assume ceremonial representative responsibilities when needed ~~whatever roles and assist in whatever~~ or other tasks as the chairperson may direct.
3. The secretary shall review, acknowledge receipt of, and respond to residents' letters with approval of the trustees and in cooperation with the staff liaison.
4. The Board of tTrustees ~~as a whole~~ shall discuss and ~~vote upon~~ elect officers at least once annually.

~~G~~F. Election procedures:

1. ~~1.~~ The Board of Trustees shall elect a Chairperson, Vice Chairperson, and Secretary for ~~Each officer shall serve a~~ one year-term from among themselves.
- a. Any trustee may nominate a candidate; no second is needed.
 - b. Nominations are closed by a motion, second, and a 2/3 vote of the Board of Trustees.
 - c. If only one (1) nomination is made, it is appropriate to make a motion and obtain a second to instruct the staff liaison to cast a unanimous ballot for that nomination. Approval is by majority vote of trustees present.
 - d. If more than one (1) nomination is made, an open election is conducted by roll call vote.
 - e. To be elected, the nominee needs a majority vote of the Board of Trustees.
 - f. Elections will continue until a Chairperson, Vice Chairperson, and Secretary are elected by a majority vote of the Board of Trustees.

2. Election of officers shall take place at the first regular Board Meeting after July 1 of each calendar year, or as soon as possible thereafter.

3. The chairperson may only ~~succeed himself/herself~~ once serve two consecutive terms.

H.G. Any trustee who fails to attend two consecutive regularly scheduled meetings of which he/she has had proper advance notice in writing, without having been excused by the Chairperson, will be deemed to have forfeited his/her position as trustee.

H. Resignations ~~shall~~ may be tendered in writing to the Mayor, Chairperson, and staff liaison.

III. Meetings

- A. All meetings of the Board of Trustees where a quorum of the trustees ~~is~~ are present shall be open to the public pursuant to the Open Public Meetings Act (OPMA), properly noticed, and conducted under Robert's Rule of Order.
- B. The Board shall meet at least semi-annually in January and July of each year ~~once a quarter~~. The calendar of meetings shall be set by the board for the next year at the last meeting of the calendar year.
- C. Quorum. Five ~~trustees~~ members shall constitute a quorum.

- D. Special Meetings. A special meeting is any meeting other than the semi-annual January and July meetings. Pursuant to the OPMA, notice shall be given at least 24 hours in advance specifying the date, time, and place of the meeting and the business to be transacted. A special meeting may be scheduled by the Chairperson, staff liaison, or at the request of a majority of the Board of Trustees. ~~The Chairperson may call a special meeting as needed, with notice given to the members and public at least ten calendar days before the meeting.~~
- E. Agendas. Agendas and corresponding materials shall be distributed to the ~~trustees~~members at least 24 hours in advance of the meeting, but preferably six calendar days prior. ~~before the meeting.~~
- F. Meeting Cancellation. Any meeting may be canceled by a majority vote or consensus of the Board of Trustees. The Chairperson may cancel a meeting for lack of agenda items. The Mayor or City Manager may cancel a meeting due to adverse weather conditions or an emergency.

IV. Powers and Duties

- A. Receive and hold title to real property, or interests in real property (such as conservation easements), transferred to the Trust for preservation as open space properties (collectively “Trust properties”).
- B. Ensure preservation of Trust properties as open space properties.
- C. Prepare and recommend written policies to the City Council that are necessary to preserve Trust properties as open space properties, including, but not limited to, policies regarding public use of, maintenance of, and improvements to such properties.
- D. At or before the regular meeting in July of each year, review the status of Trust and each of the Trust properties and report to the City Council on the condition of the various properties with any recommendations concerning how the Trust properties may be managed to preserve them as open space properties and any other recommendations on how the purposes of the ~~t~~Trust could be better accomplished.
- E. Exercise such other powers as may be necessary for carrying out the purposes of this Trust.

V. Amendments

Amendments to these bylaws shall require a two-thirds majority vote of all ~~members-trustees~~ (5 out of 7 voting to approve). Written notice must be given to the ~~members-trustees and public~~ at least two weeks in advance of consideration of any amendment. All amendments will be filed with the City Clerk.

VI. Bylaws Review

~~These~~ bylaws ~~are to be given a~~ should be carefully review by the Board of Trustees every four years for possible amendments, ~~starting in 1996~~. ~~This~~ A periodic review does not preclude adoption of amendments during the interim.

JOB DESCRIPTION TRUSTEE: OPEN SPACE CONSERVANCY TRUST

GOAL:

To preserve, protect, and maintain the City of Mercer Island's open space as designated by the Open Space Conservancy Trust.

JOB TITLE:

~~Trustee~~Member, Board of Trustees of the Mercer Island Open Space Conservancy Trust

TIME COMMITMENT:

- Citizens: initially staggered terms of 4, 5, and ~~6-year~~6-year terms followed thereafter by ~~4-~~year terms.
- City Council: ~~4-2-~~year term
- Regular attendance at scheduled Board of Trustee meetings is required; meetings will be held at least semi-annually with other special meetings occurring as needed.

ROLES AND PURPOSES:

- Ensure preservation of trust properties as open space
- Prepare and recommend to the City Council policies and guidelines for maintenance, use and preservation of the Open Space properties.
- Review and report annually to the City Council status and condition of the Trust properties with any recommendations as to management.

DESIRABLE ABILITIES, SKILLS, AND INTERESTS:

- Interest in serving the City as a ~~Board of Trustee Member~~Trustee
- Interest in maintaining and enhancing the community's quality of life through the preservation of open space.
- Communication and listening skills
- Leadership skills
- Knowledge of the ecological process
- ~~Long and short range~~Long- and short-range planning skills
- Ability to work with user groups and the City Council
- Ability to contribute opinions at meetings and participate in group decision making process on issues of concern
- Willingness to commit the necessary time to the Board of Trustees for resolution

TRAINING:

Information about Trust, its properties and Board of Trustee operations will be provided by the staff liaison.

Pursuant to Washington State law, all trustees must receive open public meetings training every 4 years (OPMA training concerning RCW 42.30).

[All Trustees are required to sign the City of Mercer Island Code of Ethics Statement.](#)

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 2. The Vice chairperson shall serve as presiding officer in the absence of the chairperson and shall assume ceremonial representative responsibilities when needed or other tasks as the chairperson may direct.
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