



OPEN SPACE CONSERVANCY TRUST REGULAR HYBRID MEETING

Thursday, October 17, 2024 at 5:00 PM

BOARD MEMBERS

Chair: Geraldine Poor

Vice Chair: Hillary Ethe

Secretary: Marie Bender

Board Members: Jake Jacobson, Thomas Hildebrandt,
Brian Gaspar and Carol Lynn Berseth

LOCATION & CONTACT

Mercer Island Community & Event Center and Zoom

8236 SE 24th Street | Mercer Island, WA 98040

Phone: 206.275.7600 | www.mercerisland.gov

We strive to create an inclusive and accessible experience. Those requiring accommodation for meetings should notify the Staff Liaison's Office 3 days prior to the meeting at 206.275.7874 or by emailing sam.harb@mercerisland.gov

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

Registering to Speak: Individuals wishing to speak live during Appearances will need to register their request with staff at **206.275.7861** and leave a message or [email](#) before 4 PM on the day of the meeting. Each speaker will be allowed three (3) minutes to speak.

Join by Telephone at 5:00 PM: Call **253.215.8782** and enter Webinar ID **853 2331 6198** and Password **316105** when prompted.

Join by Internet at 5:00 PM: To watch the meeting, or speak under appearances, 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 **853 2331 6198**; Enter Password **316105**

Join in person at 5:00 PM: Mercer Island Community & Event Center - 8236 SE 24th Street, Mercer Island

CALL TO ORDER & ROLL CALL – 5:00 PM

PUBLIC APPEARANCES

REGULAR BUSINESS

1. **Open Space Conservancy Trust July 18, 2024 Meeting Minutes**
Recommended Action: Approve minutes.
2. **Open Space Conservancy Trust Bylaws Update**
Recommended Action: Adopt the Open Space Conservancy Trust Bylaws as presented.
3. **2024 Annual Herbicide Application report**
Recommended Action: Receive report.

OTHER BUSINESS

4. [Department Update](#)
5. [Quadrant Reports](#)
6. **Topics for Future Discussion**
7. [Next Scheduled Meeting – January 16, 2024](#)

ADJOURNMENT



OPEN SPACE CONSERVANCY TRUST HYBRID MEETING MINUTES July 18, 2024

CALL TO ORDER

The Open Space Conservancy Trust meeting was called to order by Chair Poor at 5:05pm.

ROLL CALL

Chair Geraldine Poor, Vice Chair Hillary Ethe, Secretary Marie Bender, and Trustees Carol Lynn Berseth and Brian Gaspar were present.

Trustees Thomas Hildebrandt and Councilmember Jake Jacobson were absent.

City Clerk Andrea Larson, Parks Operations Manager Sam Harb, Natural Resources Program Manager Lizzy Stone, and Recreation Specialist Raven Gillis were present.

APPEARANCES

No public appearances

REGULAR BUSINESS

1. Approval of Minutes

Minutes from the:

- A. January 18, 2024, Regular Meeting
- B. March 21, 2024, Special Joint Meeting with the Parks & Recreation Commission
- C. April 4, 2024, Special Joint Meeting with the Parks & Recreation Commission
- D. April 18, 2024, Special Joint Meeting with the Parks & Recreation Commission

It was moved by Berseth; seconded by Bender to:

Approve the minutes from the January 18, 2024, Regular Meeting, and the Special Joint Meetings with the Parks & Recreation Commission on March 21, 2024, April 4, 2024, and April 18, 2024.

Passed: 5 – 0

2. Election of Officers

Ethe nominated Poor for Chair. There were no further nominations.

Vote:

Passed: 5 – 0

Poor was elected Chair.

Bender nominated Ethe for Vice-Chair.

There were no further nominations.

Vote:

Passed: 5 – 0

Ethe was elected Vice-Chair.

Ethe nominated Bender for Secretary.
There were no further nominations.

Vote:
Passed: 5 – 0

Bender was elected Secretary.

3. Open Space Conservancy Trust Bylaws Update

City Clerk Andrea Larson presented. Trustees asked questions and engaged in discussion.

It was moved by Gaspar; seconded by Berseth to:
Table the OSCT Bylaws Update until the next regular OSCT meeting on October 17, 2024, to afford the OSCT to have more time to review changes.

Passed: 5 – 0

4. Open 2024 Restoration and Trails Work Plan

Natural Resources Program Manager Lizzy Stone presented. Trustees asked questions, engaged in discussion, and provided feedback.

It was moved by Gaspar; seconded by Ethe to:
Approve the 2024 Restoration and Trails Work Plan.

Passed: 5 – 0

Chair Poor appointed Ethe, Bender, and Berseth to serve on a STQRY project committee focused on educational opportunities in Pioneer Park.

5. Department Report

Parks Operations Manager Sam Harb presented. Trustees received the report, asked questions and offered feedback.

6. Quadrant Reports

Chair Poor appointed quadrant assignments

Northwest quadrant – Bender & Hildebrandt (subject to his acceptance)
Northeast quadrant – Gaspar & Berseth
Southeast quadrant – Ethe & Poor

7. Topics for future discussion

Trustees discussed additional topics for future meetings.

8. Next Meeting

The next regular meeting is scheduled for October 17, 2024, at 5:00 PM.

ADJOURNMENT at 6:52 PM



OPEN SPACE CONSERVANCY TRUST STAFF REPORT

Item (2)
October 17, 2024
Regular Business

AGENDA ITEM INFORMATION

TITLE:	Open Space Conservancy Trust Bylaws Update	<input type="checkbox"/> Discussion Only <input checked="" type="checkbox"/> Action Needed: <input checked="" type="checkbox"/> Motion <input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution
RECOMMENDED ACTION:	Adopt the revised Bylaws	

STAFF:	Andrea Larson, City Clerk
COUNCIL LIAISON:	Jake Jacobson
EXHIBITS:	1. Draft Open Space Conservancy Trust Bylaws

SUMMARY

At the City Manager’s direction the City Clerk’s office was tasked with updating the advisory board and commission bylaws to meet current needs and address outdated or new practices, while also ensuring consistency with the City Council Rules of Procedure.

BACKGROUND

Over the past year, revised bylaws have been reviewed and adopted by the Arts Council, Parks & Recreation Commission, Planning Commission, and Utility Board. The bylaws being presented to the Open Space Conservancy Trust are consistent with what was adopted by the other advisory boards and commissions.

Since the onset and sunset of the COVID-19 Pandemic, several internal procedures were modified to meet current needs and address outdated or new practices. At the request of the City Clerk’s office, all board and commission bylaws were reviewed and amended to address these changes and to ensure consistency across the City’s boards and commissions as well as the City Council Rules of Procedure. The most recently adopted Open Space Conservancy Trust bylaws were adopted in November of 2020.

DISCUSSION

The proposed bylaws attached as Exhibit 1 were revised by staff and reviewed by the City Attorney’s office. The significant changes from the current bylaws include the following:

- 1. City Council Rules of Procedure, City Code, and State Law**
The Legislature recently amended the Open Public Meetings Act (OPMA), which requires a physical meeting location even if all meeting participants are remote. Additionally, appearances are now a requirement of all public meetings. The bylaws were amended to address the changes in the OPMA and align with City Council Rules of Procedure, City Code, and state law.
- 2. Training and Elections (Sections 2 and 3)**
Training requirements were added to address Code of Ethics and the Open Government Trainings Act.

The election process for the Chair and Vice Chair was also revised to align with the City Council election of the Mayor and Deputy Mayor.

3. Meetings and Agenda Preparation (Sections 4 and 5)

Consistent with City Council Rules of Procedure, sections on remote attendance, the “order of meeting agendas,” and printed agenda materials were added.

4. Open Space Conservancy Trust Protocols (Section 6)

Like the City Council, a section on Open Space Conservancy Trust Protocols was added to address appearances, discussion, decisions, no surprise rule, and prohibited conduct.

5. Appendices A-D

Consistent with the City Council Rules of Procedure, appendices were added to address the following:

- Parliamentary Rules and Motions
- Planning Commission Meeting Code of Conduct
- Planning Commission-Staff Communication Guidelines
- How does the City use Nextdoor.com?

The City Clerk, City Attorney’s Office, and staff liaisons to each of the City’s boards and commissions worked diligently over the last year to develop updated, effective, and consistent bylaws across all City appointed bodies. Staff recommend minimizing further revisions. The staff recommendation is to adopt the revised Bylaws at the July 18, 2024, meeting.

RECOMMENDED ACTION

Adopt the Open Space Conservancy Trust Bylaws as presented.

MERCER ISLAND OPEN SPACE CONSERVANCY TRUST BYLAWS



ADOPTED
XXXX XX, 2024

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SECTION 1. PURPOSE – FUNCTION AND JURISDICTION

- 1.1** Pursuant to [Ordinance B-93](#) and [Ordinance 96-002](#), the Open Space Conservancy Trust (Trust) shall have the following duties and responsibilities:
- 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.

SECTION 2. MEMBERSHIP AND TRAINING

2.1 Desirable Abilities, Skills and Interests:

- A. Interest in serving the City as a Trustee;
- B. Interest in maintaining and enhancing the community's quality of life through the preservation of open space;
- C. Communication and listening skills;
- D. Leadership skills;
- E. Basic understanding of NW forest ecology and urban forest management Practices;
- F. Long- and short-range planning skills;
- G. Ability to work with user groups and the City Council;
- H. Ability to contribute opinions at meetings and participate in group decision making process on issues of concern;
- I. Willingness to commit the necessary time to the Board of Trustees for resolution.

2.2 Members.

- A. **Number.** The Open Space Conservancy Trust shall consist of seven voting Trustees, serving in nonpartisan positions. Six of the Trustees shall be citizens-at-large who reside in the city and one Trustee shall be a City Council member
- B. **Residency.** City residency is required.
- C. **Terms.** The Trustees shall serve for the following terms: the City Council Member shall serve a two-year term; citizens-at-large shall serve four-year terms.

2.3 Appointment. Appointments to the Open Space Conservancy Trust six citizen-at-large positions will be made by a vote of the City Council during a regularly scheduled City Council meeting. Members shall serve without compensation. Appointment to the one City Council position shall be appointed by the Mayor.

2.4 Removal. If a Trustee fails to attend two (2) consecutive meetings of the Board of Trustees, of which he/she has had proper advance notice in writing, without having been excused by the Chairperson of the Board of Trustees, the Trustee will be deemed to have forfeited his/her position and there shall be a vacancy in the position.

2.5 Training.

- A. **Code of Ethics.** All members of advisory boards and commissions shall sign a statement acknowledging they have received, read, and agree to be bound by the City's Code of Ethics, [MICC Chapter 2.60](#) and [RCW Chapter 42.23](#). The City shall provide new members with a presentation on the Code of Ethics. If the required Code of Ethics presentation has not been completed within 45 days of appointment, the member will be referred to City Council Leadership for potential

removal. Trustees will repeat the Code of Ethics presentation no less than once every 4 years.

- B. Open Government Trainings Act.** Within 45 days of the appointment to a board or commission, all new members must complete the Open Government Trainings Act requirements, which includes training on the Open Public Meetings Act, the Public Records Act, and public records retention. Members will provide proof of completion of these trainings to the City Clerk. If the required Open Government Trainings have not been completed within 45 days of appointment, the member will be referred to City Council Leadership for potential removal. These trainings will be repeated no less than once every 4 years.
- C. Violation of Open Government Trainings Act.** Those members that fail to complete the required training within 45 days' notice by the City Clerk will be referred to the Mayor and Deputy Mayor. Members found in violation of the OGTA may be referred to City Council leadership for potential removal.

SECTION 3. OPEN SPACE CONSERVANCY TRUST ORGANIZATION

3.1 Election of Chair, Vice Chair, and Secretary. The Open Space Conservancy Trust shall elect a Chair, Vice Chair, and Secretary for a term of one year from among themselves at its July Open Space Conservancy Trust meeting, or as soon as possible thereafter, or upon vacancy or resignation of the Trustee filling the Chair or Vice Chair position. The Staff Liaison shall conduct the elections for Chair as follows:

- A. Any Trustee may nominate a candidate for Chair; no second is needed.
- B. Nominees may accept or decline the nomination.
- 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 for Chair. 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 Open Space Conservancy Trust.
- F. Elections will continue until a Chair is elected by a majority vote of the Open Space Conservancy Trust.
- G. The Staff Liaison shall declare the nominee receiving the majority vote as the new Chair.

This process is repeated for the election of the Vice Chair and Secretary.

3.2 Duties of Officers.

- A. **Chair.** The Chair serves as the Presiding Officer and acts as chair at all meetings of the Open Space Conservancy Trust. The Chair may participate in all deliberations of the Open Space Conservancy Trust in the same manner as any other member and is expected to vote in all proceedings unless recusing themselves. The Chair does not possess any power of veto.

The Chair shall represent the Open Space Conservancy Trust when meeting with the City Manager, or their designee, and City Council.

In consultation with the Vice Chair, the Chair appoints Trustees to serve as liaisons to ad hoc committees.

- B. **Vice Chair.** The Vice Chair serves as the Presiding Officer in the absence of the Chair and assumes the responsibilities of the Chair when needed. If both the Chair and Vice Chair are absent, the Chair will appoint another Trustee to serve as acting Chair. If the Chair fails to appoint an acting Chair, the Trustees present shall elect one of its members to serve as Presiding Officer until the return of the Chair or Vice Chair.

C. Secretary. The Secretary shall review, acknowledge receipt of, and respond to residents' letters with approval of the Trustees and in cooperation with the staff liaison.

D. Presiding Officer. The Presiding Officer shall:

1. Preserve order and decorum during Open Space Conservancy Trust meetings;
2. Observe and enforce these Rules;
3. Call the meeting to order;
4. Keep the meeting to its order of business; and,
5. Recognize Trustees in the order in which they request the floor. The Presiding Officer, as a Trustee, shall have only those rights, and shall be governed in all matters and issues by the same rules and restrictions as other Trustees.

3.3 Resignations. Resignations shall be tendered in writing to the Mayor, Chairperson, and staff liaison.

3.4 Filling an Open Space Conservancy Trust Vacancy. If a vacancy occurs in the office of Trustee, the City Council will follow the procedures outlined in Section 8 within the [City Council Rules of Procedure](#).

SECTION 4. MEETINGS

Pursuant to [Ordinance No. 96-002](#), the Open Space Conservancy Trust shall determine the time and place of its meetings and other rules and regulations, which shall be on file with the City Clerk.

4.1 General Meeting Guidelines.

- A. Open Public Meeting Act.** All Open Space Conservancy Trust meetings shall comply with the requirements of the Open Meetings Act (chapter [42.30 RCW](#)). All regular meetings and special meetings of the Open Space Conservancy Trust shall be open to the public.
- B. Meetings.** All meetings as described in Section 4.2 may be held in-person, remotely, or as a hybrid to the extent permitted by law.
- C. Meeting Cancellation.** Any future Open Space Conservancy Trust meeting may be canceled by a majority vote of the Open Space Conservancy Trust. The Chair, Vice Chair, or staff liaison may cancel an Open Space Conservancy Trust meeting for lack of agenda items, adverse weather conditions, or due to an emergency.
- D. Quorum.** Five members of the Open Space Conservancy Trust shall constitute a quorum and are necessary for the transaction of Trust business. In the absence of a quorum, the members present shall adjourn that meeting to a later date.
- E. Minutes.** The Staff Liaison (or authorized designee) shall attend all regular and special Open Space Conservancy Trust meetings and keep an account of all proceedings of the Open Space Conservancy Trust (minutes) in accordance with the statutory requirements RCW [42.30.035](#). The minutes from previous meetings will be posted on the City website in draft format prior to Open Space Conservancy Trust meetings as part of the Open Space Conservancy Trust packet. Trustees are encouraged to inform the Staff Liaison of any errors or proposed changes in advance of the meeting. If a Trustee wishes to make any corrections (except scrivener) to the minutes, they must make a motion to revise the minutes. Any corrections to the minutes will be so noted and the draft minutes will be revised with the corrections. Once the Open Space Conservancy Trust has approved the minutes (as presented or revised), the final version of the minutes will be posted to the City's website and archived as the City's official record.
- F. Open Space Conservancy Trust Meetings Code of Conduct.** The Open Space Conservancy Trust Meetings Code of Conduct is attached as [Appendix B](#) to these Rules, which outlines acceptable behavior while in a Open Space Conservancy Trust Meeting.
- G. Attendance.** Attendance at regular and special meetings is expected of all Trust members.

1. **Absence.** Any member anticipating absence from a meeting should notify the Chair and staff liaison from the Public Works department.
 2. **Chronic Absences.** If a Trustee fails to attend two consecutive meetings of the Board of Trustees, of which they have had proper advance notice in writing, without having been excused by the Chairperson of the Board of Trustees, the Trustee will be deemed to have forfeited their position and there shall be a vacancy in the position.
- H. Remote Attendance.** Remote attendance by a Trustee who is not able to physically be present, whether for all or part of a meeting, is allowed as needed subject to the following:
1. **Notice:** A Trustee shall contact the Chair and the Staff Liaison at least one day prior to the meeting for which they will attend remotely or as soon as possible due to an emergency. After the Staff Liaison has called the roll at a meeting, the Chair shall indicate any Trustee attending remotely, which will be noted in the minutes. If joining after roll call, the Staff Liaison shall note the time the Trustee joined and, if before adjournment, when the Trustee left in the minutes.
 2. **Remote Attendance Requirements:**
 - a. Remote attendance by a Trustee shall be through the City's preferred teleconferencing platform.
 - b. A Trustee's camera should be turned on when participating in the meeting.
 - c. A Trustee attending remotely will be marked present, counting towards a quorum and can vote during the meeting as if they were physically present.
 - d. A Trustee attending remotely must be able to hear public comment or testimony and staff's presentation in real time.
- I. Roll Call Voting.** All Open Space Conservancy Trust voting will be done by roll call. Once a motion has been made and seconded, the Chair will ask the Staff Liaison to call the roll. The Staff Liaison calls the roll, and each Trustee, as their name is called, answers "aye" or "nay," or "abstain" if they do not wish to vote, and the Staff Liaison notes the answers. Trustees shall refrain from additional comments about the motion or their vote when voting. If the vote count is not clear, the Staff Liaison reads the names of those who answered in the affirmative, and afterwards those in the negative, and then those who answered "abstain," and the Chair announces the result.

4.2 Types of Meetings

All meetings of the Trust shall be conducted in accordance with these bylaws, the Mercer Island City Code, and Washington state law. Where these bylaws fail to provide otherwise, the meetings shall be conducted in accordance with parliamentary rules and procedures in the most current edition of Robert's Rules of Order.

- A. **Regular Meetings.** The Open Space Conservancy Trust's regular meetings will be held ~~semi-annually~~quarterly on the third Thursday of January, April, ~~and~~ July, and October, or as needed, at 5:00 PM in the Mercer Island Community & Event Center (8236 SE 24th Street, Mercer Island). Meetings will be held in a hybrid format including both in person and remote attendance using a videoconferencing platform. If any Thursday on which a meeting is scheduled falls on a legal holiday, the meeting shall be held at 5:00 PM, on the first business day following the holiday, or on another day designated by a majority vote of the Open Space Conservancy Trust
- B. **Special Meetings.** A special meeting is any Open Space Conservancy Trust meeting other than a regular Open Space Conservancy Trust meeting. Notice of a special meeting shall be provided in writing to each Trustee at least ten (10) calendar days in advance of the meeting and notice to the public 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 Trust meeting may be scheduled by the Chair, or in their absence, the Vice Chair, Staff Liaison, Deputy Public Works Director, Chief of Operations, or the City Manager. Final disposition cannot be taken on any matter not included on the special meeting notice.

4.3 Order of Regular Open Space Conservancy Trust Meeting Agenda

- A. **Call Meeting to Order & Roll Call.** The Chair calls the meeting to order. The Staff Liaison will take roll call and record names of those present and absent in the minutes.
- B. **Appearances (Public Comment).** During the Appearances section of the regular meeting agenda, members of the audience are invited to address the Open Space Conservancy Trust regarding any matter, except campaign-related matters. Each person wishing to address the Open Space Conservancy Trust should register with the Staff Liaison by 4 p.m. on the day of the Open Space Conservancy Trust meeting. When the speaker's name is called, the speaker will give their name and city of residence for the record and shall limit their comments to three (3) minutes. No speaker may convey or donate time for speaking to another speaker. The Chair may allow speakers to comment on individual agenda items at times during any regularly scheduled Open Space Conservancy Trust meeting other than the regularly scheduled Appearances period.

All remarks will be addressed to the Open Space Conservancy Trust as a whole, and not to individual Trustees or staff members. Any person making personal, impertinent, or slanderous remarks, or who becomes boisterous, threatening, or

personally abusive while addressing the Open Space Conservancy Trust, may be requested by the Chair to leave the meeting. Pursuant to state law, the Open Space Conservancy Trust cannot accept comments on any campaign-related matters (elections for individual offices or ballot propositions).

The Staff Liaison will summarize all public comments in the minutes. Traditionally, the Open Space Conservancy Trust does not respond to comments made at a meeting; however, the Staff Liaison may follow up with the speaker as appropriate.

- C. **Special Business.** Special Business may include Chair and Vice Chair Elections, review of bylaws or other presentations to the Trust.
- D. **Regular Business.** Regular Business items are all other regular Open Space Conservancy Trust business, including but not limited to staff presentations and reports requiring Open Space Conservancy Trust review including making recommendations to City Council.
- E. **Other Business.**
 - 1. **Staff Liaison's Report.** The Staff Liaison will discuss the meeting schedule and report on significant activities since the last meeting; provided, however, that Trustees may not enter into debate or discussion on any item raised during the Staff Liaison's Report.
 - 2. **Absences.** The Open Space Conservancy Trust will note upcoming Trustee absences.
- F. **Adjournment.** With no further business to come before the Open Space Conservancy Trust, the Chair adjourns the meeting.

SECTION 5. AGENDA PREPARATION

- 5.1 Agenda Setting.** An agenda shall be prepared and distributed by the Public Works department to each member not less than 5 calendar days prior to the date of the meeting at which such agenda is to be considered. The agenda shall be accompanied with a complete copy of the unapproved minutes of the previous meeting, staff reports, and other materials as may pertain to the agenda.
- 5.2 Agenda Modification.** All meetings shall be conducted in accordance with the agenda. To the extent it does not violate public notice requirements, a Regular Meeting Agenda may be modified, supplemented, or revised at the beginning of the meeting by an affirmative vote of the majority of Trust members present. The Trust, by a majority vote, can add matters for discussion to a Special Meeting agenda; however, in accordance with the OPMA, final disposition cannot be taken on any matter not listed in the special meeting notice.
- 5.3 Agenda Materials.** All agenda materials will be posted to the City's website and a link to the online packet will be emailed to an established mailing list by 5:00 p.m. no later than the Friday prior to the meeting, in accordance with section 4.1. If the deadline cannot be met, the Open Space Conservancy Trust and the established mailing list will be notified of when it will be posted. Hard copies of agenda materials will be available for pick up at the Customer Service Counter upon Trustee request, with 24 hours' notice.

SECTION 6. OPEN SPACE CONSERVANCY TRUST POWERS AND DUTIES

- 6.1** Pursuant to [Ordinance No. 96-002](#), the Open Space Conservancy Trust shall have the powers and duties to:
- 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 the 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 Trust could be better accomplished.
 - E.** Exercise such other powers as may be necessary for carrying out the purposes of the Trust.

SECTION 7. OPEN SPACE CONSERVANCY TRUST PROTOCOLS

- 7.1 Governance and Procedures.** All Open Space Conservancy Trust discussion shall be governed by *Roberts Rules of Order, Newly Revised* and by these Bylaws. Examples of parliamentary rules and motions are shown in [Appendix A](#) to these Bylaws. In the event of a conflict, these Bylaws shall control. The Staff Liaison shall answer questions of a parliamentary nature that may arise during a Open Space Conservancy Trust meeting. The Staff Liaison shall decide all questions of interpretations of these Bylaws.
- 7.2 Appearances (Public Comment).** The Open Space Conservancy Trust agrees to adhere to the following protocols during Appearances:
- A. The Open Space Conservancy Trust shall listen attentively to the speaker’s comments.
 - B. The Open Space Conservancy Trust shall avoid discourteous behavior such as lengthy or inappropriate sidebar discussions or nonverbal, disparaging actions.
 - C. The Open Space Conservancy Trust shall not engage in debate or discussion with any individual but may be recognized by the Chair to ask the speaker clarifying questions.
- 7.3 Discussion Protocols.** The Open Space Conservancy Trust agrees to adhere to the following protocols for Open Space Conservancy Trust discussion and debate:
- A. Be courteous and professional at all times.
 - B. Avoid discourteous behavior such as lengthy or inappropriate sidebar discussions or nonverbal disparaging actions when colleagues or staff are speaking.
 - C. Be recognized by the Chair before speaking.
 - D. Be respectful of staff.
 - E. Speak in turn after being recognized.
 - F. Do not personally criticize other Trustees who vote against or disagree with you.
 - G. Do not be repetitive in your arguments or discussion.
 - H. Respect each other’s differences, honor disagreements, vote and move on.
- 7.4 Recommendations.** The Open Space Conservancy Trust’s goal is to provide a consensus recommendation 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 Trust could be better accomplished; in all cases, however, a majority vote is taken.
- A. To document the recommendations of the Trust, the Public Works department staff shall prepare a written statement or memorandum, including the facts and rationale for the final recommendations. This statement shall be approved and signed by the Chair.
 - B. A Trustee is never required to state reasons for a dissenting vote; provided, however, that any member of the Trust shall have the right to state the reasons for their dissent from, or protest against, any action of the Trust. Such statement shall be noted in the minutes along with the record of the vote in the following format: “Trustee XX verbally

stated their reasons for voting in the minority on this matter.” No other statement is proper or will be allowed to be recorded in the minutes of the meeting.

B. The Chair has the responsibility to present the recommendations to the City Council on behalf of the Trust when requested by either the Open Space Conservancy Trust or City staff.

C. Trustees recognize that part of the powers and duties of the trustees is advisory in nature. As such, when the Open Space Conservancy Trust has voted to recommend a policy, the members shall not contact staff to encourage actions inconsistent with such Open Space Conservancy Trust recommendation or take other action adversely impacting staff resources.

D. Trustees, who voted on the prevailing side, may bring any approved recommendation up for reconsideration, only on the same day that the vote was taken, and immediately following Open Space Conservancy Trust review and approval of such agenda item, before the Open Space Conservancy Trust has moved on to other items. The Open Space Conservancy Trust’s goal is to make final recommendations and not to revisit or reconsider such decisions. (See [Appendix A](#) for more details).

7.5 No Surprises Rule. Trustees should use best efforts to contact the Staff Liaison to advise of emerging issues. Generally, Trustees agree not to propose substantial amendments and/or revisions to any agenda item unless they provide each other and City staff at least 48-hours advance notice to review any written proposal. To provide staff the necessary preparation time, Trustees will use best efforts to provide staff advance notice of any questions or concerns they may have regarding an agenda item prior to a public meeting.

7.6 Prohibited Conduct. In addition to the requirements applicable under RCW Chapter 42.23, which establishes the minimum standards for officials, officials shall be subject to the City’s Code of ethics as provided within MICC Ch. 2.60.

7.7

SECTION 8. AMENDMENTS TO BYLAWS

These bylaws may be amended by a 2/3 majority vote (5 votes) of the entire membership of the Open Space Conservancy Trust. Written notice must be given to the Trustees at least two weeks in advance of consideration of any amendment.

8.1 Bylaws Review. The bylaws should be carefully reviewed by the Board of Trustees every four years for possible amendments. A periodic review does not preclude adoption of amendments during the interim.

Date Approved by Open Space Conservancy Trust

Open Space Conservancy Trust Chair

Attest:

City Clerk

Date filed with City Clerk

APPENDIX A PARLIAMENTARY RULES AND MOTIONS

1. Following the presentation of the item and questions of staff, a motion should be made before the Trust begins discussion to frame and guide the discussion.
2. If a motion does not receive a second, it dies and will not be included in the minutes. Motions that do not need a second, include: nominations, withdrawal of motion, request for a roll call vote, and point of order.
3. When making motions, be clear and concise and do not include arguments for the motion within the motion.
4. No comments may be made or heard until there is a second on the motion.
5. After a motion and second, the Chair will indicate the names of the Trustees making the motion and second.
6. When the Trust concurs or agrees to an item that does not require a formal motion, the Chair will summarize the agreement at the conclusion of the discussion. Trustees may object to such summary if any feel the summary does not reflect the Trust's consensus.
7. If the maker of a motion wishes to withdraw their motion, the Chair shall ask the Trust if there is any objection to the maker withdrawing their motion. If none, the motion is withdrawn. If there is objection, the Trust will vote whether the motion can be withdrawn. The text of the withdrawn motion and the fact of its withdrawal will not be included in the minutes.
8. A **motion to table** is undebatable and shall preclude all amendments or debates of the issue under consideration. If the motion to table prevails, the matter may be "taken from the table" only by adding it to the agenda of a future regular or special meeting at which time discussion will continue; and if an item is tabled, it cannot be reconsidered at the same meeting.
9. A **motion to postpone to a certain time** is debatable as to the reason for the postponement but not to the subject matter of the motion, is amendable, and may be reconsidered at the same meeting. The question being postponed must be considered at a later time at the same meeting, or to a time certain at a future regular or special Open Space Conservancy Trust meeting.
10. A **motion to postpone indefinitely** is debatable as to the reason for the postponement as well as to the subject matter of the motion; is not amendable and may be reconsidered at the same meeting only if it received an affirmative vote.
11. A **motion to call for the question** shall close debate on the main motion and is undebatable. This motion must receive a second and fails without a two-thirds' (2/3) vote; debate is reopened if the motion fails.
12. A **motion to amend** is defined as amending a motion that is on the floor and has been seconded, by inserting or adding, striking out, striking out and inserting, or substituting.

13. Motions that cannot be amended, include motion to adjourn, agenda order, point of order, reconsideration and take from the table. A motion to amend an amendment is not in order.
14. Amendments are voted on first, then the main motion as amended (if the amendment received an affirmative vote).
15. The motion maker, Chair, or Staff Liaison should repeat the motion prior to voting.
16. All votes of the Open Space Conservancy Trust will be conducted by roll call voting.
17. When voting, Trustees will reply with “aye,” “nay,” or “abstain” and shall refrain from additional comments about the motion or their vote.
18. At the conclusion of any vote, the Chair will announce the results of the vote.
19. A motion that receives a tie vote is deemed to have failed.
20. When a question has been decided, any Trustees who voted in the majority may move for reconsideration.
21. A **motion for reconsideration** can only be made by someone who voted on the prevailing side, and it must be made on the same day that the vote to be reconsidered was taken. All action that might come out of the original motion is stopped at the time that reconsider is made and seconded.

APPENDIX B OPEN SPACE CONSERVANCY TRUST MEETING CODE OF CONDUCT

The Mercer Island Open Space Conservancy Trust welcomes the public to the Open Space Conservancy Trust meetings and dedicates time at these meetings to hear from the public on agenda items and other issues of concern.

It is important for all community members to feel welcome and safe during Open Space Conservancy Trust meetings. Audience members will be expected to treat all attendees with respect and civility.

1. **Appearances Ground Rules:**

Appearances is the time set aside for individuals to speak to the Open Space Conservancy Trust about any issue during a Open Space Conservancy Trust meeting. The ground rules are:

- A. Each person wishing to address the Open Space Conservancy Trust should register with the Staff Liaison by 4 p.m. on the day of the Open Space Conservancy Trust meeting.
- B. Please (1) speak audibly, (2) state your name and city of residence for the record, and (3) limit your comments to three minutes.
- C. Traditionally, the Open Space Conservancy Trust does not respond to comments made at the meeting, but may follow up, or have staff follow up, with the speaker if needed.
- D. Comments must be addressed to the entire Open Space Conservancy Trust, not to individual Trustees, staff members, or the audience.
- E. Audience members shall refrain from applause, comments, or disapproval of individuals' comments.
- F. Any person who makes personal, impertinent, or slanderous remarks, or who becomes boisterous, threatening, or personally abusive while addressing the Open Space Conservancy Trust, may be requested to leave the meeting.
- G. The Open Space Conservancy Trust cannot accept comments on any campaign-related matters (elections for individual offices or ballot propositions).

2. **General Rules:**

- A. Please silence cell phones, computers, tablets, and cameras while in the Open Space Conservancy Trust meetings.
- B. Please limit conversations in the audience seating area. You may be asked to step into the lobby to continue a conversation.

APPENDIX C OPEN SPACE CONSERVANCY TRUST-STAFF COMMUNICATION GUIDELINES

Governance of a City relies on the cooperative efforts of elected officials, who provide oversight and set goals, policy, and priorities, and City staff, which analyze problems and issues, make recommendations, and implement and administer the Open Space Conservancy Trust's policies and priorities consistent with the Open Space Conservancy Trust goals. The following are general guidelines to help facilitate effective communications between the Open Space Conservancy Trust and City staff.

1. Channel communications through the appropriate City staff.

While any staff member is available to answer Trustee questions and requests for information, the Public Works (PW) Staff Liaison is the primary information liaison between the Open Space Conservancy Trust and City staff. Questions of PW staff should be directed to the Staff Liaison. When a Trustee makes a request to a particular staff member, it is important to inform/copy the Staff Liaison. In addition, staff will inform/copy the Staff Liaison so that the Staff Liaison is aware of the Trustee's requests and needs.

2. All Trustees should have the same information with which to make decisions.

When one Trustee has an information request, the response will be shared with all members of the Open Space Conservancy Trust so that each member may be equally informed.

3. Depend upon the staff to respond to concerns and complaints as fully and as expeditiously as practical.

A key value in the City's organizational culture is providing quality customer service. Rely on staff to solve customer problems and concerns.

4. Code Compliance Complaints.

The Community Planning and Development Code Compliance team answers questions and investigates complaints on a wide variety of issues, including zoning, building, and nuisance violations. If you have a complaint, please complete a Code Compliance Request Form, and fill it out as completely as possible.

Go to <https://www.mercerisland.gov/cpd/webform/code-compliance-request-form> to complete an online form or download or print the form and attach it to an email to codecompliance@mercergov.org. You may also come to City Hall to drop off or complete a paper copy. Using this form will give staff the information needed to review and process the complaint.

5. Complaints/Concerns Directed to Open Space Conservancy Trust.

Sometimes the Open Space Conservancy Trust will receive customer letters or emails directly. Due to limited staff resources to handle the amount of correspondence, if a

response is warranted, appropriate or necessary the Staff Liaison or designee will direct the correspondence to the appropriate staff member. Correspondence related to matters outside of the purview of the Open Space Conservancy Trust will be directed to the appropriate staff by the Staff Liaison or designee. Trustees should not respond to correspondence that is outside of the purview of the Open Space Conservancy Trust. On occasion, a letter or email is directed specifically to a Trustee. The Trustee should forward the correspondence to the Staff Liaison or designee to provide a response (if a response is warranted, appropriate, or necessary).

6. The Open Space Conservancy Trust provides recommendations – City staff is responsible for administrative functions and City operations.

The purpose of the Open Space Conservancy Trust is to serve in an advisory capacity to the City Council and have the following duties and responsibilities pursuant to Ordinance No. 96-002:

- 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 Trust could be better accomplished.
- E.** Exercise such other powers as may be necessary for carrying out the purposes of this Trust.

The primary functions of staff are to forward the Open Space Conservancy Trust recommendations to City Council and keep the Open Space Conservancy Trust informed. Staff is obligated to take guidance and direction only from the Staff Liaison, Department Director, or City Manager.

Individual Trustees shall not knowingly or willfully interfere with the administration of City business including, but not limited to: coercing, or influencing staff in the selection of personnel or consultants, the awarding of contracts, the processing of development

applications, licenses, permits, or public records requests, and the interpretation and implementation of the Open Space Conservancy Trust policy.

7. To provide the Open Space Conservancy Trust with timely information, Trustees should submit questions on agenda items to the Staff Liaison and Chair in advance of the Open Space Conservancy Trust meeting.

Trustees are encouraged to submit their questions on agenda items to the Staff Liaison and Chair as far in advance of the meeting as possible so that staff can be prepared to respond before or at the Open Space Conservancy Trust meeting. Having a practice of “no surprises” between the Open Space Conservancy Trust and City staff and vice versa fosters a productive working relationship.

8. Respect the will of the “full” Open Space Conservancy Trust.

City staff will make every effort to respond in a timely and professional manner to all requests for information or assistance made by individual Trustees. However, if a request reaches a certain degree of workload, it will need to come before the “full” Open Space Conservancy Trust. The Staff Liaison will consult with the Director and City Manager with the request to determine when it is appropriate to bring it before the full Open Space Conservancy Trust for discussion and recommendation.

9. Depend upon the staff to make independent and objective recommendations.

Staff is expected to provide its best professional recommendations on issues, provide information about alternatives to staff recommendations, as appropriate, as well as pros and cons for recommendations and alternatives. Sometimes staff may make recommendations that may be unpopular with the public and/or Trustees. When this occurs, please refrain from attacking the messenger. Staff respects the role of the Open Space Conservancy Trust in its advisory capacity to the City Council.

10. The Staff Liaison and staff will transmit Open Space Conservancy Trust recommendations to the City Council as accurately as possible.

Staff will assist the Chair in preparing the written recommendation. The Chair will be provided the opportunity to address the City Council to verbally transmit the recommendation. Staff seek to accurately describe the Trust’s legislative review process and recommendation.

11. Refrain from publicly criticizing an individual employee. Criticism is differentiated from questioning facts or the opinion of staff.

All critical comments about staff performance should be made only to the Staff Liaison or Director through private correspondence or conversation.

12. Seeking political support from staff is not appropriate.

The City is a non-partisan local government. Neither the staff liaison nor any other person in the employ of the City shall take part in securing or contributing any money toward the

nomination or election of any candidate for a municipal office. In addition, some professionals (e.g., Staff Liaison, the Chief of Administration, Chief of Operations, and City Clerk) have professional codes of ethics, which preclude politically partisan activities or activities that give the appearance of political partisanship.

13. Support life-family-work balance.

In a 24-hour, mobile accessible world, expectations for staff to always be available can emerge. However, this expectation is unsustainable. Staff will respond to nonemergency emails or phone messages during business hours only.

APPENDIX D HOW DOES THE CITY USE NEXTDOOR.COM?

NextDoor is a nationwide platform designed to encourage civil neighbor-to-neighbor interaction and discourse online, focused on highly local topics. The City joined NextDoor in October 2014 and uses its account to make general announcements, advertise meetings, solicit public engagement, provide crime and storm updates, highlight achievements, and more. The platform does not function in the same manner as the City's other social media outlets (i.e., Facebook, Twitter, Instagram). NextDoor is not a City-controlled page, but rather a private membership network that functions more like an online community bulletin board. The City merely has an official presence on the platform via its "Agency Account," but by design, NextDoor tightly limits Agency Accounts in important ways.

Most notably, the City can only see its own posts and replies to them, while ALL other neighbor-to-neighbor content is hidden. This is intended to prevent eavesdropping by the City on local discussions. The last name of anyone replying to a City post is just replaced with an initial and is not spelled out.

In addition, because the City is required to maintain public records of social media to comply with the Public Records Act, the City uses ArchiveSocial to backup Facebook, Instagram, Twitter, YouTube, and other accounts to retrieve records if requested. Unfortunately, NextDoor does NOT allow access by automated archiving services. Instead, the City must execute a complicated manual export process that can be refined only by date range (not topic, or subject line, etc.). This lack of archiving access to NextDoor makes it extremely difficult and potentially risky for Trustees and staff to post about City business or to reply to other posts, as they are unable to be captured in a manner that is suitable for responding to public records requests or in a manner that it can be deleted after meeting the required retention period.

If Trustees post on NextDoor about official City business, they **must** capture the text of the original post and all comments. If they comment on a post, they must capture the original post, all comments before AND after their comment. The Staff Liaison can provide additional guidance regarding public records retention requirements for NextDoor posts/comments.



OPEN SPACE CONSERVANCY TRUST STAFF REPORT

Item (3)
October 17, 2024
Regular Business

AGENDA ITEM INFORMATION

TITLE:	Annual Herbicide Application Report 2024	<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:	Receive report.	

STAFF:	Lizzy Stone, Natural Resources Program Manager
COUNCIL LIAISON:	Jake Jacobson
EXHIBITS:	<ol style="list-style-type: none"> 2023 Herbicide Application Map 2024 Monitoring and Herbicide Treatment Map

SUMMARY

In May 2010, the Open Space Conservancy Trust adopted the Herbicide Use Protocol which prescribes the situations in which herbicide may be used on Trust properties. The protocol is updated periodically to reflect changes to best practices, which are driven by research on treatment effectiveness, environmental impact, and other factors. The protocol requires City staff to report to the Trust annually on the recent use and planned uses of herbicides for the year.

2023 REPORT

In 2023, Mercer Island Natural Resources and King County Noxious Weed Program staff conducted monitoring for yellow archangel (*Lamium galeobdolon*), knotweed (*Polygonum* spp.), yellow flag iris (*Iris pseudacorus*), spotted jewelweed (*Impatiens capensis*), and shiny geranium (*Geranium lucidum*) in Pioneer Park or Engstrom Open Space. Yellow archangel populations were found in the Northwest quadrant and the Southeast quadrant. Yellow archangel was treated in the spring with a formulation of 1.5% triclopyr, 2.5% glyphosate, and 2% adjuvant. Exhibit 1 shows points where yellow archangel was found and treated in 2023.

Professional contractors conducted the first year of Comprehensive Weed Removal in 2.9 acres of Pioneer Park SE, 4.0 acres of Pioneer Park NE, and 1.7 acres of Engstrom Open Space. This first pass of weed removal was completed with only manual removal methods, not requiring the use of any herbicide.

2024 PLAN

In spring and summer of 2024, the Natural Resources team again monitored noxious weed populations in Pioneer Park and Engstrom Open Space. The crew surveyed for yellow archangel, knotweed, yellow flag iris, spotted jewelweed, and shiny geranium. Yellow archangel was the only of those species found on Trust property.

Yellow archangel was first identified and treated in Pioneer Park in 2010. This initial treatment was largely successful and eradicated approximately 90-95% of the infestation. Regular monitoring of the area has

resulted in subsequent treatments to manage remaining infestations. In 2024, lingering patches of yellow archangel were identified along the north edge of the NW quadrant, as well as in the south edge of the SE quadrant. Both populations were treated in the spring and the fall with a formulation of 1.5% triclopyr, 2.5% glyphosate, and 2% adjuvant. All products used were aquatic-approved formulations. Adjacent neighbors were contacted and resources were shared about the weed, with the goal of developing a collaborative approach to eliminating the populations.

While conducting Comprehensive Weed Removal and Invasive Removal Maintenance on over 23 acres of Trust property, contractors removed or treated any invasive trees that were found throughout these sites. Where invasive trees were found, seedlings were manually removed, smaller trees were cut and the cut stem was painted with triclopyr, and larger trees were injected using an EZ-Ject lance Copperhead shells containing the herbicide imazapyr. Trees that were included in these treatments are: English holly (*Ilex aquifolium*), English laurel (*Prunus laurocerasus*), English hawthorn (*Crataegus monogyna*), and Portugal laurel (*Prunus lusitanica*).

Additionally, contractors removed all herbaceous weeds from areas receiving Comprehensive Weed Removal and Invasive Removal Maintenance work. The vast majority of this work was manual removal of English ivy and non-native blackberry. In select patches of non-native blackberry where the roots could not be manually removed without disturbing an adjacent native plant, contractors painted cut stems with the herbicide triclopyr. This was needed in situations where blackberry is growing through, or directly next to, a native plant. A cut-paint herbicide application involves cutting stems to approximately 6-inches tall and immediately applying herbicide to the cut stem using a paint brush or dropper. This approach allows for targeted control of a species, without risking off-target spray to nearby desirable species.

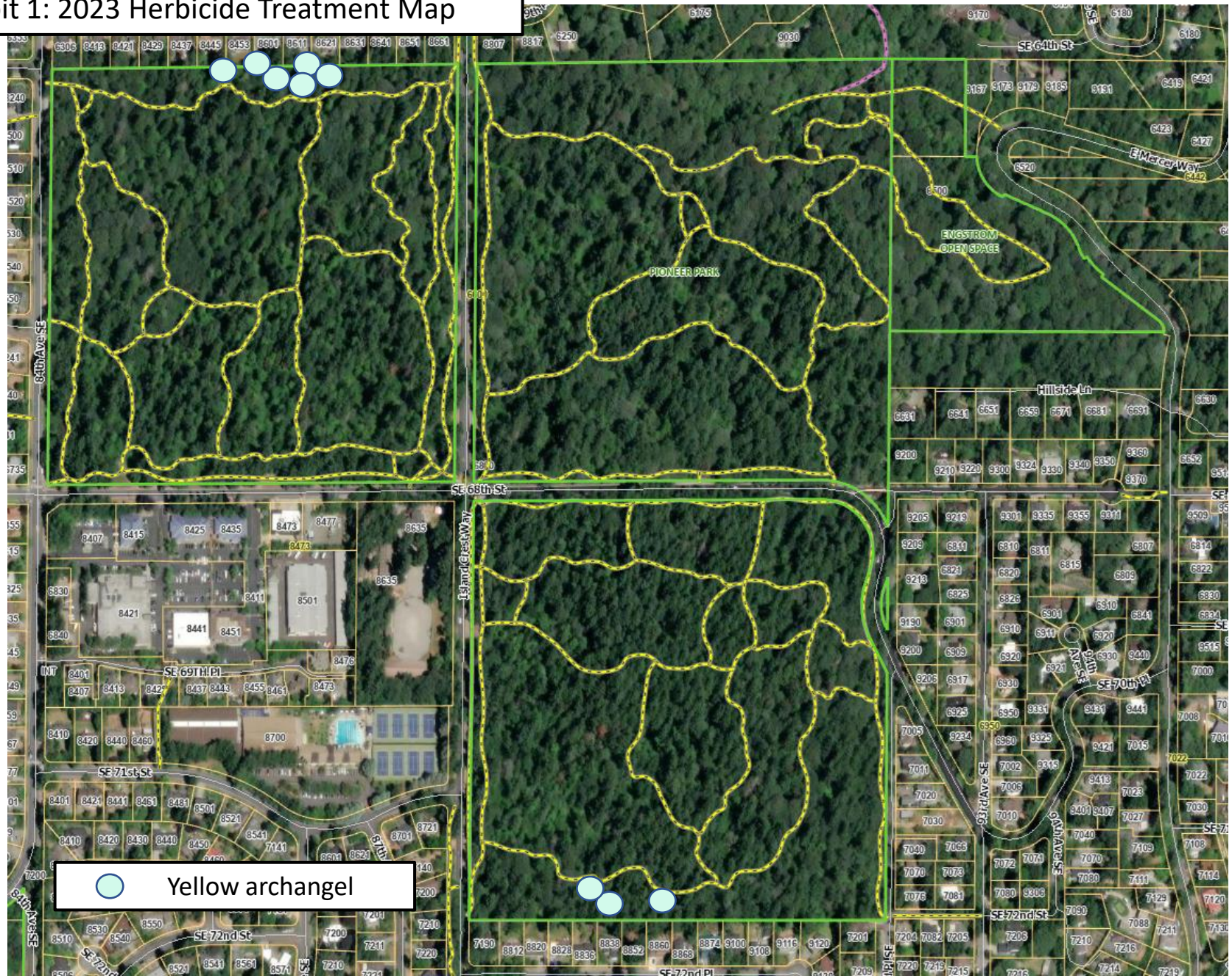
Exhibit 2 shows points where yellow archangel was found and treated, as well as contractor zones where surveys found at least some invasive trees or non-native blackberry populations that required herbicide treatment. This map does not represent a full survey of all non-native trees and blackberry on Trust property.

RECOMMENDED ACTION

Receive report.

Pioneer Park and Engstrom Open Space
Exhibit 1: 2023 Herbicide Treatment Map

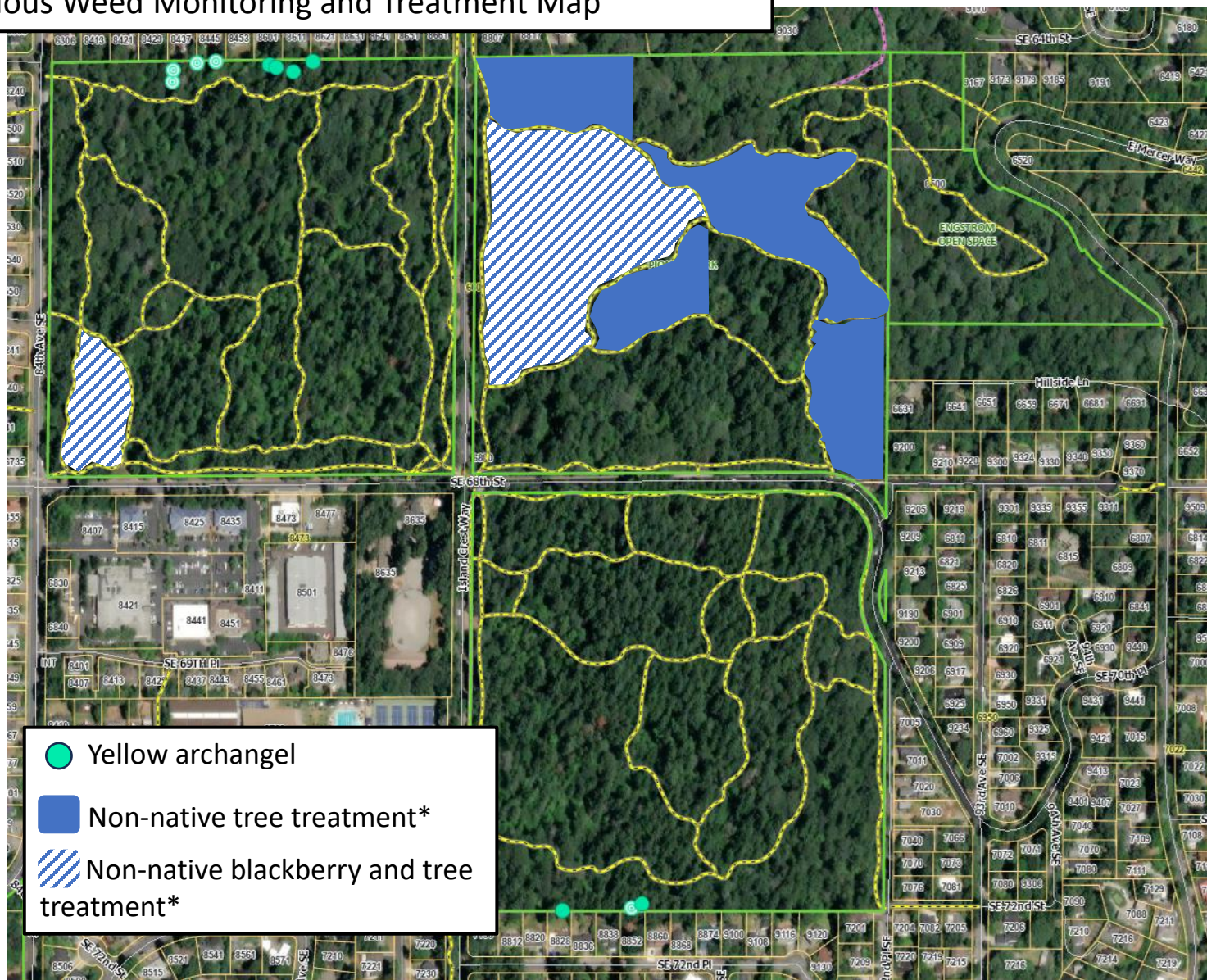
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Pioneer Park and Engstrom Open Space

Exhibit 2: 2024 Noxious Weed Monitoring and Treatment Map

Item 3.



33 *Highlighted locations received treatment where non-native trees were found that could not be effectively dug up and where non-native blackberry was growing up through native plants. These are sites where work was contracted in 2024. This map does not represent a full survey of all non-native trees or blackberry on Trust property.