

Hood Canal Coordinating Council

JEFFERSON, KITSAP & MASON COUNTIES;
PORT GAMBLE S'KLALLAM & SKOKOMISH TRIBES



Regular Meeting of the Board of Directors – Meeting Summary

15 July 2015 (1:00 to 4:00 PM)

Oxford Suites, 9550 NW Silverdale Way, Silverdale, WA

MEMBERS PRESENT

HCCC Board of Directors

David Herrera, Skokomish Tribe
Paul McCollum, Port Gamble S'Klallam Tribe
Phil Johnson, Jefferson County
Randy Neatherlin, Mason County
Rob Gelder, Kitsap County
Terri Jeffreys, Mason County

Exofficio Members

Stacey Vynne McKinstry, Puget Sound Partnership
George Hart and Lynn Wall, US Navy Region Northwest
Sally Toteff, Washington State Dept. of Ecology

Citizens Advisory Group Members

Alex Gouley
Cheryl Baumann
Chris Jones
Linda Streissguth
Monica Harle
Richard Wojt
Rebecca Mars
Ron Figlar-Barnes
Thom Johnson

HCCC Staff

Scott Brewer, Executive Director
Alicia Olivas, Lead Entity Program Coordinator
Luke Cherney, Salmon Biologist/GIS Coordinator
Patty Michak, Mitigation Program Manager
Robin Lawlis, Administrative Program Manager

Documents Distributed

- Draft Board Meeting Agenda 15 July 2015
- Draft Board Meeting Summary 17 June 2015
- Current Budget and Cash Disbursements Journal (4/1/2015 – 5/31/2015)
- Bylaws Proposed Revisions as of 15 July 2015
- Proposed Procurement Procedures (overview)

- Proposed Procurement Procedures – Construction Services
- Proposed Procurement Procedures – Equipment/Supplies and Services/Professional Services
- Mentor Law Group Memo dated July 14, 2015 re: Compliance with Procurement Policies of Member Counties

Call to Order, Introductions, Approval of Meeting Agenda

Randy Neatherlin, HCCC Chair, called the meeting to order. There was a quorum. A motion was made by Rob Gelder to approve the agenda; seconded by Terri Jeffreys and the motion carried.

Public Comment

The Chair opened the meeting for public comments. The Chair noted that this is a split meeting with first the HCCC Board of Directors, then the Citizen's Advisory Committee.

Bill Broughton, Broughton Law Group, legal counsel for Kitsap PUD, distributed a letter regarding replacement of the existing wastewater treatment plant at Port Gamble with a state of the art MBR treatment facility asking for Board input on the proposed ballot measure for Kitsap PUD. The Board discussed how it could support the effort and agreed to allow the executive director to speak on its behalf with a full discussion at the next Board meeting in order to meet the July 28, 2015 deadline; agreed to by Board consensus.

Luke Cherney Appreciation Celebration

The Board recognized Luke Cherney for seven years of dedicated service to the Hood Canal Coordinating Council who is leaving the HCCC at the end of the month. The Chair signed a certificate on behalf of the Board recognizing his work.

Consent Items

All matters listed under Consent Items have been distributed to each member of the Board for reading and study, are considered to be routine, and will be enacted by one motion of the Board with no separate discussion. If a separate discussion is desired, that item may be removed from the Consent Items and placed as an additional topic by request.

1. Draft Board Meeting Summary
2. Cash Disbursements
3. Expenditures

HCCC Board Outcome: A motion was made by Rob Gelder to approve the consent items; seconded by Phil Johnson, and the motion carried.

2015 Lead Entity Process

Alicia Olivas introduced the HCCC Lead Entity Citizens Advisory Group (CAG). The Lead Entity Citizens Committee (HCCC Board of Directors and HCCC Lead Entity Citizens Advisory Group) convened to engage in discussion and guidance around the 2015 Lead Entity Process to date, to review Lead Entity Proposal Evaluation Process and funding update, and to consider CAG recommendations of 2015 Grant Round Project List for preliminary review. This is the first meeting of the Citizen's Committee. [A presentation was given on the Project Application Process—Three Phases:](#) (1) Alignment with Regional Salmon Recovery Priorities, (2) Application Development and Review, and (3) Ranked List of Projects Determined for Funding Decision.

The Chair of the Board of Directors is the Chair of the Citizen's Committee. The majority of the HCCC Board of Directors and the majority of CAG must approve an action before it can move forward. Alicia reviewed the CAG recommendation for 2015 Lead Entity Project List, associated costs, grant request funding for 2015 Lead Entity Grant Round, funding allocations, and Remaining Lead Entity Funding to be allocated.

Citizens Committee Discussion: The Board asked CAG members their opinion on the effectiveness of the process. The CAG said it went very well overall. The Technical Advisory Group (TAG) was very helpful and knowledgeable. It's important to maintain the balance between CAG and TAG as we progress, especially with weighting and prioritization for salmon recovery.

The Board asked if funds could be held until next year. Puget Sound Acquisition and Restoration (PSAR) funds do not allow for a rollover; it must be obligated by December 2015 and projects must be reviewed through the local lead entity process. PSAR unobligated funds would be discussed at the January 2016 Recovery Council meeting and it could be allocated elsewhere so it's a risk to hold those funds without a compelling reason. The safest plan is to loan remaining funds to another entity and get it back next year. Mike Ramsey, Washington State Recreation and Conservation Office, grant manager for HCCC, in attendance, also confirmed this was a possibility.

There are two Intensively Monitored Watershed (IMW) projects that are not included on the recommended ranked list as they did not score high in the prioritization. The Board asked if the prioritization process restricted anyone from applying. The CAG did not believe so. When it started, we didn't know what the budget was and projects had already been submitted, and then we found the money was greater, so that is why money is remaining.

How would we guarantee a loan? Mike Ramsey said it is easy to transfer the funds and what mechanisms are used is up to the HCCC. Next year funding may be lower. Do you see anything that fell short that we could consider for augmentation and is there an opportunity for that money loaned for next year? They are working on a nearshore assessment that isn't completed.

With remaining funding options the Hood Canal Bridge could be considered through the vetting process if they have a cost overrun or don't have as much match. The Board would like to avoid that if possible, unless valid, because it's difficult to separate.

The CAG invited the Board to attend meetings. A Board member's attendance would be beneficial for the Board to understand the background rather than just the list. Some Board members are involved through their staff; however, members will try to attend meetings now that the group is up and running. Alicia Olivas was recognized for her hard work in this process.

HCCC Board Outcome: The Board met with Citizens Advisory Group as the full Citizens Committee and discusses the Lead Entity project list to be submitted to the Salmon Recovery Funding Board (SRFB) for the SRFB funding decision. HCCC Board and Citizen's Committee provided guidance on next steps.

HCCC Bylaws Revision

Scott Brewer, HCCC Executive Director, said that the HCCC needs to revise language in Article IV, Section 11 of the Bylaws to reflect new non-profit requirements:

COMMITTEES. - The Board of Directors may establish such committees as necessary to further the purposes of the Council. Committees shall be chaired by a member of the Board of Directors, and *shall include at least one other member of the Board of Directors*. Committees may include citizens, public agencies with relevant expertise, and affected groups.

Board discussed how this wording affected the Lead Entity committees noting that the Board is the Lead Entity and the TAG and CAG committees are part of that. We don't have any

committee with managerial authority; the executive group makes decisions. The bylaws should be changed to state that only committees that have and exercise the authority and management of the organization need Board committees, per RCW 24.03.115.

HCCC Board outcome: A motion was made by Rob Gelder to approve the HCCC Bylaws to state in Article IV, Section 11, "Committees shall be chaired by a member of the Board of Directors, and committees that have and exercise the authority of the Board of Directors of the management of the organization shall include at least one other member of the Board of Directors." The motion was seconded by Phil Johnson and carried.

There was a discussion on Roberts Rules of Order as it related to supporting a proposed ballot measure (as stated in the aforementioned public comments). Joe Mentor said the last Interlocal Cooperation Agreement (ILA) 2011 version superseded all other versions, but the first version stated the HCCC would use the rules; however, the current version does not. Internally, we have no requirement to use, but we have loosely followed them. If we did use, we can, by unanimous consent, waive the rule, if all are present and represented and if action is not inconsistent with HCCC bylaws, articles or other laws (there are requirements of a meeting notice of time and place, but not an agenda for that meeting). We can't use public facilities or funds to take a position on propositions or a candidate. We can take a position on a ballot measure, but must give notice of intent and provide equal opportunity to express views at the meeting. Sometimes we act as an ILA and other times we take actions on a non-profit organization. We aren't making a decision now on a ballot measure as none is currently in place.

HCCC Draft Procurement Procedures

Scott Brewer reviewed the proposed procurement procedures and summary. We looked at all three counties and wrote procedures with a combination of those guidelines for (1) equipment supplies, professional services and (2) construction. Both proposed drafts were distributed for future consideration.

Joe Mentor, Mentor Law Group, reviewed the memo on compliance. An ILA can only exercise the authorities its members have and that includes procurement policies adopted by ordinance and in compliance with state laws. The HCCC cannot adopt policies inconsistent with a member county and Jefferson County has the most restrictive of the procurement policies. We can either adopt those or use another, but that would require a resolution to allow HCCC to use Kitsap Counties' policies. Or if the Board so decides that the HCCC have its own policies, then all three would have to adopt ordinances.

Scott requested comments from members prior to the August 11, 2015 Board meeting for a meaningful discussion.

HCCC Board outcome: Board to provide guidance to HCCC staff regarding next steps in addressing the proposed HCCC procurement procedures for the next Board meeting, with comments prior to then.

Executive Director Report

Scott Brewer provided the following organization and program updates.

HCCC staff completed an extensive public records request. We need to know if we are responsible for producing records in our possession (or used) or if we are obligated to produce the members' records as well. The WA State Attorney General ombudsman said it was up to the organization. The HCCC will be asking for an Attorney General Opinion regarding public records requests and the HCCC's responsibility relative to all of our members and exofficio members.

The Hood Canal Bridge assessment group, involving a science team, met to discuss low dissolved oxygen and migrating salmon. The data shows density and congregating of fish and we plan to pinpoint the impact of the bridge. We were unsuccessful in obtaining additional funding but we have brought attention to the issue. The Board suggested that an informational PowerPoint presentation to the decision makers to communicate the projects' importance could be beneficial. We want to formalize the process, beyond the technical group, by forming a management team to provide guidance and highlight concerns. It should be the HCCC, but also many partners need to be involved; it affect economics, health, US Navy, etc. In the August 11, 2015 Board meeting we could have a presentation for the Board, then we could get a working group from the Board, rather than form a committee.

The WA State budget was approved; however, we don't have final numbers to discuss any budget revisions at this meeting.

The Local Integrating Organization (LIO) and funding with Environmental Protection Agency (EPA) funding models and working with state agencies and the Partnership are in the mill with a draft scope of work with the Partnership. There is a tight timeframe (as discussed at the June 2015 Board retreat). We are engaged in various matters with limited capacity because these processes are important.

The Board noted that there is a full-time position vacant for the EPA Region 10 Director of the Puget Sound programs and instructed the executive director to write a letter stating that the Board appreciates working with Angela Bonifaci, the interim Director, indicating the good work she has done in the past and her responsiveness.

Executive Session - In Lieu Fee (ILF) Mitigation Program

The purpose of the Executive Session is by reason of RCW 42.30.110(1)(b) to consider the selection of a site or the acquisition of real estate. The Chair announced that the Board will return at 3:55PM. At 3:55 PM the Chair came out to announce that the executive session would extend for another 10 minutes.

Public Comment and Hood Canal Happenings

The Chair opened the meeting for comments and announcements and there were none at this time.

Adjournment and Next Meeting

The Chair adjourned the meeting at 4:10 PM. The next regular meeting of the Board of Directors is Tuesday, August 11, Oxford Suites, 9550 NW Silverdale Way, Silverdale, WA. For more information about this meeting, contact Robin Lawlis, 360-394-0046 or rlawlis@hccc.wa.gov.

HCCC Board of Directors Approval

Signature on file

HCCC Chair