



Board of Supervisors
Regular Board Meeting Minutes
Tuesday, September 25, 2018 (2:00pm)

Present at Meeting:

Eric Johnson, TCD Board Chair	Sarah Moorehead, TCD Interim Executive Director
Richard Mankamy, TCD Board Auditor	Heather Roskelley, TCD Staff
Paul Pickett, TCD Board Supervisor	Doug Rushton, TCD Board Supervisor
Linda Powell, TCD Board Vice-Chair	Ben Cushman, Deschutes Law Group
Alison Halpern, WSCC	Chris Stearns, Associate Board Supervisor
Tony Wilson, Public	TJ Johnson, Public
Jerry Dierker, Public	Madeline Bishop, Public
Esther Kronenberg, Public	Annabel Kusekin, Public
Ben Peterson, WFSE	Joe Hanna, Public
Patricia Harrigan, Public	Jeff Swotek, NRCS
Tara Donohoe, NRCS	

Action Items:

1. **Staff to send Doodle poll to Supervisors to schedule Special Meeting in October to go over past minutes**
2. **Alison will provide examples of consent agendas and minutes with public comment; Ben will be providing policy**
3. **Sarah will draft a letter to Mark Clark/WSCC for Eric to sign stating that they are working on CAPP**

1. Welcome, Introductions, Audio Recording Announcement and Pledge of Allegiance

- Eric Johnson called the meeting to order at 2:04pm. There was a quorum.
- Welcome, Introductions, & Pledge of Allegiance conducted
- Chair announced meeting is audio recorded

2. Public Comment (3 minutes per person)

- Persons who provided public comment:
 - Tony Wilson
 - Jerry Dierker
 - Madeline Bishop
 - TJ Johnson
 - Glen Morgan
 - Annabel Kusekin
 - Esther Kronenberg
 - Joe Hanna

3. Agenda Review, All

- Partner Reports by NRCS, NACD after Agenda Review
- WSCC – Conservation Accountability and Performance Program (CAPP) update
- Resolution #2018-06 (#5) – to remain on agenda with comments made by Attorney Ben Cushman
- At end of Partner Reports: Ben Cushman said Special Meeting to be scheduled between this meeting and next public meeting to discuss legal and liability issues, Human Rights Commission complaints, and labor matters

- 54 **4. Partner Reports**
- 55 **A. NRCS, Jeff Swotek**
- 56 • Tara Donohoe introduced
- 57 • 2019 Farm Bills – they do not have timelines
- 58 • Draft biological assessments will be submitted in late 2019
- 59 **B. NACD/WACD, Doug Rushton**
- 60 • Handouts – how to navigate NACD website
- 61 • NACD Report: nominated Okanagan CD for distinguished restoration efforts
- 62 • Farm Bill – Congress to vote on latest version by September 30, 2018
- 63 • WACD – WSCC Executive Director Mark Clark will be retiring mid-January 2019; annual
- 64 WACD meeting November 26-28 in Kennewick, WA.
- 65 **C. Schedule a Special Meeting – Friday, September 28, 2pm-4pm**
- 66 • Special Meeting in Executive Session; Ben Cushman will report out at next public
- 67 meeting.
- 68 • Purpose is to present potential issues of legal liability to District Counsel on pending
- 69 lawsuits, employment issues, HRC complaints, and possibly labor issues.
- 70

71 **5. Board Meeting Minutes, All**

72 **A. August 20, 2018 Board Meeting and Work Session Minutes**

- 73 • Line 116 – 2 signatures were missing; add names (Paul and Richard) to clarify
- 74 • Move Paul's departure time (7:21pm) to after 10C
- 75 • Line 226 on page 5 – Paul says Doug abstained, Paul was absent.
- 76 • Line 227 – TCD attorney recommended approval of negotiation
- 77 • Line 21 – Action item 2 did not happen; Sarah to send a letter to Enduris
- 78 • Line 162 – Action Item – Organization chart was sent by Sarah to Ben Cushman.
- 79 • Line 166 – Richard will contact Kim Wyman for suggestions regarding invoice.
- 80 • Line 183 – strike out "Has moved deadline"
- 81 • All action items have been resent to Ben and Eric by Sarah
- 82

83 **Linda moved to approve August 20, 2018 Work Session minutes. Paul seconded.**

84 **Unanimous approval.**

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86 **Paul motioned that draft minutes need to be sent to the Board within 5 business days.**

87 **Doug seconded. Unanimous approval.**

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89 **B. Past Board Meeting Minutes discussion – Will schedule a Special Meeting in October to go**

90 **over past minutes and to work on minutes policy and procedure**

- 91 • Need to develop policy re: public comments
- 92 • WSCC says to follow Whatcom model for consent agendas, but Ben doesn't think it's
- 93 very good; Alison will send examples of other CD consent agendas and minutes with
- 94 public comment; Ben will develop policy
- 95

96 **AI - Staff to send Doodle poll to Supervisors to schedule Special Meeting in October to go**

97 **over past minutes**

98 **AI - Alison will provide examples of consent agendas and minutes with public comment; Ben**

99 **will be providing policy**

100

101 **6. Resolution #2018-06, Indemnification of TCD Supervisors. Ben Cushman**

- 102 • Depends on whether this is a necessarily incurred expense in discharge of duty; not
- 103 retrospective and won't reimburse cash costs
- 104 • Consensus decision to table this resolution
- 105

- 106 7. **Financial Report**, Sarah Moorehead
107 A. **Monthly Financial Report**
108 B. **August Check Register**
109 Linda moved to approve checks 19667-19709 totaling \$93,019.83 with voided checks
110 19678, 19688, and 19689. Paul seconded. Unanimous approval.
111 • Checks 19671, 19672, 19674, 19691, 19710, 19790 – questions for Susan
112 • *AVP Aging Detail Handout requested by Richard was provided by Sarah*
113
114 **September Check Register**
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116 Doug moved to approve checks 19711-19761 totaling \$136,585.85 with voided checks
117 19739, 19744, and dd04251861. Paul seconded. Unanimous approval.
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119 C. **WSCC FY 19 Livestock TA Addendum**
120
121 Doug motioned to approve. Linda seconded. Unanimous approval.
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123 D. **Deschutes Law Group: West OPMA Lawsuit Statement of Work**
124 • Ben Cushman has reached allocated hours - both West and Hanna lawsuits need to be
125 addressed
126 • Ben Cushman is representing Supervisors on West case but not Hanna case because
127 actions were outside of meeting in the latter lawsuit
128 • Ben Cushman/DLG will accept a deferred payment plan given TCD's financial situation
129 and will provide 5 hours of free time on the Hanna case
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131 Linda moved to approve **Statement of Work #1 with Deschutes Law Group as amended to**
132 **allow \$5,000 for handling West and Hanna lawsuits. Paul seconded. Unanimous**
133 **approval.**
134
135 E. **TC Auditor's Office 2018 Elections Invoice**
136 • Sarah said the County Auditor allows installments if the invoice is paid by February 28,
137 2019 (60 days after December 31, 2018)
138 • Unprecedented turnout and new mechanism produced a higher cost (\$24,970.03) than
139 budgeted (\$5,750)
140 • Paul asked for formula used by Thurston County Auditor for other elections
141 • Board asked Ben Cushman to look at the Thurston County Auditor contract for a basis to
142 negotiate a charge down or defenses to payment
143
144 Paul motioned to pay the County Auditor the amount that was budgeted and then
145 negotiate the amount and timing of the balance. Linda seconded. Unanimous approval.
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147 F. **Smart Talent Agency HR Consultant Invoice**
148 • Ben Cushman received letter from Smart Talent and advises that TCD receives analysis
149 from counsel
150 • According to Ben Cushman, based on information currently available and the response
151 from Smart Talent, there was no specific Board action authorizing entry of a specific
152 contract with Smart Talent at the time the contract was entered into. Therefore, without
153 specific contracting authority, payment on the contract could be illegal. Ben Cushman
154 indicated that additional information from Smart Talent was needed and he would
155 request that information.
156 • There was a determination to begin a process to create a contract, but there was no
157 express authorization in a public meeting

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8. Review of Conservation Accountability and Performance Program (CAPP), All

- WSCC voted to withhold money from TCD except for trainings for Supervisors and staff effective September 20, 2018
- WSCC would like a TCD Supervisor to be at meeting in Kennewick on November 29; can do GoToMeeting
- Alison suggested that a letter be drafted as soon as possible to Mark Clark noting how they had addressed the CAPP non-compliance issues and started to discuss training opportunities during that afternoon's work session, rather than waiting until the November 29 meeting.

Paul motioned for Sarah to draft a letter to Mark Clark/WSCC stating that they are working on CAPP and to have Eric sign letter. Doug seconded. Unanimous approval.

AI – Sarah will draft a letter to Mark Clark/WSCC for Eric to sign stating that they are working on CAPP

9. Adjourn, All

Paul moved to adjourn. Linda seconded at 5:02pm. Unanimous approval.

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Respectfully Submitted,



~~Eric Johnson, Board Chair~~

Paul Pickett