



Board of Supervisors
Special Meeting Minutes
Tuesday, July 24, 2018
1:30pm

Present at Meeting:

| | |
|------------------------------------|---|
| Eric Johnson, TCD Board Chair | Sarah Moorehead, TCD Interim Executive Director |
| Richard Mankamy, TCD Board Auditor | Alison Halpern, WSCC |
| Doug Rushton, TCD Board Supervisor | Melinda Holman, Public |
| Linda Powell, TCD Board Vice-Chair | Jerry Dierker, Public |
| Paul Pickett, TCD Board Supervisor | Tony Wilson, Public |
| Steven W. Morrison, Public | |
| Paula Holroyde, Public | |
| Ben Peterson, WFSE | |

Action Items:

1. Staff to explore with the Attorney General's office possible representation with the Arthur West lawsuit
2. Board Supervisors and staff to review legal services RFP submissions at July 31st Board meeting (or on potentially rescheduled date in August)

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

- Eric Johnson called the meeting to order at 1:31pm. There was a quorum.
- Welcome, Introductions, & Pledge of Allegiance conducted
- Chair announced meeting being audio recorded

2. Public Comment (3 minutes per person)

- Persons who provided public comment:
 - Steven W. Morrison
 - Tony Wilson
 - Jerry Dierker
 - Arthur West

3. Agenda Review, All

- Sarah requested discussion of the documents received to date in response to the legal services RFP as well as an email from Ann Essko, Senior Counsel with the Office of the Attorney General – Ecology Division and receipt of the Notice of Appearance by the State of Washington
- Doug stated that the agenda was not discussed between Chair and other Board Supervisors and the Board Chair needs to ensure this happens in the future; Chair is to work collaboratively with the other Supervisors and agenda is then formalized by staff
- Eric stated that this was a tight timeline; this meeting was only called to address the Notice of Appearance

4. Discuss a contract for legal services to respond to and answer the notice served to the District regarding Notice of Appearance, State of Washington Thurston county Superior Court No. 18-2-03305-34 dated July 12, 2018:

- Clarification regarding Notice of Appearance and the State of Washington; the State filed a Notice of Appearance, which does not extend to the District or to any of the District's Supervisors
- Doug motioned to have staff explore with the Attorney General's office representation with this lawsuit to be considered at a future meeting. Paul seconded. Unanimous approval.

- Only the State of Washington has been served; Thurston Conservation District and the individual Supervisors named in the lawsuit – Eric, Richard, and Linda – have not been served
- The Board has 20 days after they've been served to respond
- Alison Halpern noted that TCD hasn't received all of the legal services RFPs – deadline is July 27 – so there is no ticking clock and TCD might have the Attorney General's office provide representation
- Doug motioned to stick to agenda topics and look at RFP submissions at July 31st Board meeting since there is no need for an attorney at this time. Paul seconded. Unanimous approval.
- Paul wants his printed documents to be included in record because they are relevant to legal process for hiring contract workers
- Chair reviewed Paul's document and decided it was not relevant to agenda and moved for adjournment

AI - Staff to explore with the Attorney General's office possible representation with the Arthur West lawsuit

AI – Board Supervisors and staff to review legal services RFP submissions at July 31st Board meeting (or on potentially rescheduled date in August)

5. Adjourn, All

Eric moved to adjourn. Linda seconded at 2:11pm. Motion passed.

Respectfully Submitted,


Eric Johnson, Board Chair
Paul Pickett

JUL 02 2018

Superior Court
Linda Myhre Enlow
Thurston County Clerk

Washington State
Office of the Attorney General
Acknowledged Receipt, this 3 day
of July, 2018, Time: 4:05
In Olympia, Washington.
Signature: [Signature]
Print Name: Rick Brady
Assistant Attorney General

IN THE SUPERIOR COURT OF THE STATE
OF WASHINGTON FOR THURSTON COUNTY

ARTHUR WEST,

plaintiff,

Vs.

18-2-03305 34

No.

THURSTON CONSERVATION
DISTRICT, ERIC JOHNSON,
RICHARD MANKAMYER,
LINDA POWELL, STATE OF
WASHINGTON,

defendants

**PLAINTIFF'S
SUMMONS**

TO THE DEFENDANT:

A lawsuit has been started against you in the above entitled court by Arthur West, plaintiff. Plaintiff's claim is stated in the written complaint, a copy of which is served upon you with this summons.

In order to defend against this lawsuit, you must respond to the complaint by stating your defense in writing, and by serving a copy upon the person signing this summons within 20 days after the service of this summons, excluding the day of service, or a default

5 PLAINTIFF'S
ORIGINAL
COMPLAINT

ARTHUR WEST
120 State Ave NE # 1497
Olympia, WA. 98501


1 judgment may be entered against you without notice. A default
2 judgment is one where plaintiff is entitled to what he asks for because
3 you have not responded. If you serve a notice of appearance on the
4 undersigned person, you are entitled to notice before a default
judgment may be entered.

5 You may demand that the plaintiff file this lawsuit with the court. If
6 you do so, the demand must be in writing and must be served upon
7 the person signing this summons. Within 14 days after you serve the
demand, the plaintiff must file this lawsuit with the court, or the
service on you of this summons and complaint will be void.

8 If you wish to seek the advice of an attorney in this matter, you
9 should do so promptly so that your written response, if any, may be
served on time.

10 This summons is issued pursuant to rule 4 of the Superior Court
11 Civil Rules of the State of Washington.

12 Done July 2nd, 2018, in Olympia, Washington.

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ARTHUR WEST

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19 6 PLAINTIFF'S
ORIGINAL
COMPLAINT

ARTHUR WEST
120 State Ave NE # 1497
Olympia, WA. 98501

FILED

JUL 02 2018

Superior Court
Linda Myhre Enlow
Thurston County Clerk

| | |
|---|--|
| Washington State | |
| Office of the Attorney General | |
| Acknowledged Receipt, this <u>2</u> day | |
| of <u>July</u> , 20 <u>18</u> , Time: <u>4:05</u> | |
| In <u>Olympia</u> , Washington. | |
| Signature: <u>[Signature]</u> | |
| Print Name: <u>Rick Brady</u> | |
| Assistant Attorney General | |

IN THE SUPERIOR COURT OF THE STATE
OF WASHINGTON FOR THURSTON COUNTY

ARTHUR WEST,
 plaintiff,

Vs.

THURSTON CONSERVATION
DISTRICT, ERIC JOHNSON,
RICHARD MANKAMYER,
LINDA POWELL, STATE OF
WASHINGTON,
 defendants

No. 18-2-03305 34

PLAINTIFF'S
ORIGINAL
COMPLAINT
FOR VIOLATION
OF THE OPMA

I INTRODUCTION

1.1. This is an action for declaratory and injunctive relief concerning violation of the OPMA by the Thurston Conservation District, and the actions of the District's Board in deliberating and taking action outside the context of a duly constituted open public meeting.

1.2. The plaintiff alleges that, as reported by the media and as determined by the Washington State Conservation Commission, a quorum of the Board of the Thurston Conservation District apparently violated the Open Public Meetings Act.

II PARTIES AND JURISDICTION

2.1. Plaintiff West is "any person" as defined in RCW 42.30.130 with standing¹ to seek relief.

¹ See West v. Seattle Port Comm'n, 194 Wn.App. 821, 380 P.3d 82 (2016), West v. Pierce County Council, 197 Wn. App. 895 (2017)

1 PLAINTIFF'S
ORIGINAL
COMPLAINT

ARTHUR WEST
120 State Ave NE # 1497
Olympia, WA. 98501

1 2.2. Defendant Thurston Conservation District is administered by a "governing body" as
2 defined in RCW 42.30.020 that on June 7th, (and other dates that will be shown) violated the
3 Open Public Meetings Act by conducting an unlawful "meeting" and by deliberating and by
4 taking "action" as defined in RCW 42.30.020 outside of a duly conducted open public meeting or
5 legitimate executive session.

6 2.3. Defendant Thurston Conservation District Board members Eric Johnson, Richard
7 Mankamy, and Linda Powell are members of a governing body of a public agency that violated
8 the OPMA by knowingly and deliberately taking "action" outside the context of a properly
9 scheduled open public meeting or legitimate executive session.

10 2.4. Defendant State of Washington is an entity required to abide by the requirements of
11 the Laws of the State of Washington, including the Open Public Meetings Act.

12 2.5. The Thurston County Superior Court has jurisdiction over the parties and subject
13 matter of this claim.

14 III ALLEGATIONS

15 3.1. On or about June 7th, (and on other dates that may be shown after discovery) a
16 quorum of the Thurston Conservation District Board took "action" as defined in RCW 42.30.020
17 (3)² in violation of the Open Public Meetings Act (OPMA). A quorum of the Thurston
18 Conservation Board members participated in the "meeting"³. (See letter appended as Exhibit I)

19 3.2. The "meeting" was deliberately conducted in the absence of proper notice or other
lawful compliance with the OPMA.

3.3. By their actions and omissions, Thurston Conservation District members Eric
Johnson, Richard Mankamy, and Linda Powell knowingly and deliberately violated the
OPMA.

² "Action" means the transaction of the official business of a public agency by a governing body including
but not limited to receipt of public testimony, deliberations, discussions, considerations, reviews,
evaluations, and final actions. "Final action" means a collective positive or negative decision, or an actual
vote by a majority of the members of a governing body when sitting as a body or entity, upon a motion,
proposal, resolution, order, or ordinance.

³ "Meeting" means meetings at which action is taken. (See RCW 42.30.020 (3))

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V REQUEST FOR RELIEF


5.1. That a declaratory ruling issue declaring that the a quorum of the Thurston Conservation District violated the Open Public Meetings Act.

5.2. That a declaratory ruling issue that defendants violated the OPMA by deliberately conducting a meeting (or series of meetings) personally, by telephone, Email, or by other electronic means.

5.3. That an injunction and/or a writ of mandamus or prohibition issue to all of the named defendants barring further such violations of the OPMA, and that any named district members found to have knowingly violated the OPMA be fined the princely sum of \$500 for each violation.

5.4. That plaintiff be awarded costs, and any applicable attorney fees.

Done July 2nd, 2018, in Olympia, Washington.


ARTHUR WEST

Statement of Paul Pickett and Doug Rushton
Supervisors, Thurston Conservation District

The Laws of the State of Washington require that, with few exceptions, the public's business be done in a public way. The legislature has repeatedly confirmed this with statutes such as the Public Disclosure Act, the Public Records Act and the Open Public Meetings Act. This is not a new idea. As long ago as 1914, Justice Louis Brandeis wrote: "Publicity is justly commended as a remedy for social and industrial diseases. Sunlight is said to be the best of disinfectants."

We are concerned that events during the Thurston Conservation District Board of Supervisors Special Meeting on June 7, 2018 – before, during, and after the Executive Session – rendered that Executive Session unlawful. Because we were present and participated in that executive session, our participation may have placed us and the District in legal jeopardy. We believe that the actions of Supervisors Linda Powell, Richard Mankamy, and Chair Eric Johnson violated the Open Meetings Act, Chapter 42.31 RCW; specifically RCW 42.31.110 (1)(f), (1)(g), and (2).

We have retained legal counsel, and on the advice of counsel, we are releasing this statement to remedy such unlawful action as we believe occurred. It is our understanding, confirmed by counsel, that the general remedy in Washington law for doing in the dark that which should have been done in the light is bring it into the light.

The following description is as accurate as our memories allow, but should be considered paraphrasing, since we can't guarantee that we recall the exact wording.

All five Supervisors were in attendance at the Special Meeting on June 7, along with Acting Executive Director (AED) Sarah Moorehead, staff from other agencies, and members of the public. A sign-in sheet was provided which can provide the names of the attendees. Copies of the agenda were also available for attendees.

The agenda called for an Executive Session that was listed on the agenda "To evaluate the qualifications of an applicant for public employment or to review the performance of a public employee," which is a proper subject for executive session under RCW 42.31.110 (1)(g).

An audio recording of the meeting was made until the Executive Session began. The recorder failed to operate after the Executive Session. We have listened to the audio recording of this portion of the meeting, and this is what was said, as best as we understand the recording.

- When we reached the agenda item for the Executive Session, AED Sarah Moorehead stated: "I have a request to make that if it is to evaluate the performance of a public employee related to me, I'd like to have it in an open public meeting" This is an entirely appropriate request and must be honored under RCW 42.31.110 (1)(f).
- Supervisor Johnson announced that the Executive Session was about to begin to discuss the evaluation of an employee.
- AED Moorehead asked: "Is the public employee is to be evaluated myself?"

- Supervisor Johnson responded: "I don't believe so, no".
- Supervisor Pickett stated: "I thought we were discussing expectations for the executive director."
- Supervisor Johnson responded: "We will not be talking about her, but expectations for the position, correct?"
- Supervisor Pickett then stated: "True, if that's all we talk about. That doesn't have to be in executive session, though."
- Supervisor Johnson, responding to questions from Linda Powell, noted: "We get into more specifics on Sarah, then we might come out and go into public session".
- AED Moorehead then stated: "I believe that this use of executive session is supposed to evaluate specific performance of a specific employee, so talking generally about position expectations; I'm not sure that's a proper use of executive session."

One of our obligations and goals is for the District to operate legally. During the Executive Session, several events occurred that lead us to our need to make this statement:

- Supervisors Johnson and Mankamyer discussed a copy of a "Plaintiff's Reply Brief" from the case Eric Johnson vs. Washington State University (WSU) Energy Program Office. They quoted the brief with several statements that we interpreted as being critical of AED Moorehead. A copy of this brief is attached. The airing of complaints was inconsistent with the announced purpose of the meeting. In addition, we believe it would be improper to take any action based on one-sided statements or filings by a lawyer in ongoing litigation, particularly involving a Supervisor and an employee, and especially without being presented with opposing filings or hearing the evidence directly.
- Supervisor Mankamyer raised some of the issues in an April 24, 2018 draft "Letter of Direction". On June 4th Supervisor Mankamyer had emailed us this letter, and told us that he wanted the Board to discuss it. The letter outlined several expectations and included several complaints about AED Moorehead's performance. A copy of this letter is attached. This airing of complaints regarding AED Moorehead was also inconsistent with the announced purpose of the meeting.
- We asked several times to return to the topic of reviewing expectation as part of an evaluation process. Supervisor Pickett described the process that he felt was appropriate: first setting expectation, then completing an evaluation of the staff, and then describing areas of improvement for the staff. He tried to offer a draft list of expectations for discussion, but Supervisors Johnson, Mankamyer and Powell ignored him. Supervisor Rushton noted that he had redrafted the position description for the executive director position, as agreed at the March 27, 2018 board meeting. He had had the AED distribute it to the entire board on April 24, 2018 asking for comments from all supervisors — but received no response. Supervisor Rushton expressed support for Supervisor Pickett's suggested approach, and encouraged the others to follow that process. Both of us made good faith efforts to return the Executive Session to the announced topic, but we were rebuffed.

To us, the Executive Session seemed mostly to be an extended rant by Supervisors Johnson, Mankamyer and Powell about their perceived problems with AED Moorehead's performance in the past and the need to remove her from that position and find a consultant to take over as AED.

When we came out of the Executive Session, Supervisor Johnson reported that we had nothing to report and no action to take.

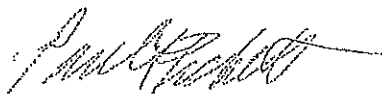
In conclusion, we believe the events of this meeting rendered it unlawful due to the following violations of state statute:

- RCW 42.30.110 (1) states that "Nothing contained in this chapter may be construed to prevent a governing body from holding an executive session during a regular or special meeting;"
 - Subsection (f): "To receive and evaluate complaints or charges brought against a public officer or employee. However, upon the request of such officer or employee, a public hearing or a meeting open to the public shall be conducted upon such complaint or charge;"
AED Moorehead made a request for an open meeting if we were to discuss a complaint against her. Supervisor Johnson said that we were not going to discuss her. But the Executive Session actually mostly consisted of Supervisors Powell, Mankamyer, and Johnson discussing complaints against AED Moorehead.
 - Subsection (g): "To evaluate the qualifications of an applicant for public employment or to review the performance of a public employee."
This was the announced purpose of the meeting, but no discussion occurred regarding the evaluation of an employee.
- RCW 42.30.110 (2) states that "Before convening in executive session, the presiding officer of a governing body shall publicly announce the purpose for excluding the public from the meeting place". Considering what actually took place in the meeting, Supervisor Johnson, as Chair, provided false description of the purpose, and he and the other two Supervisors deviated from the announced purpose in a manner that he explicitly stated would not take place.

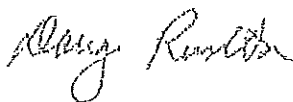
Because of the events in this meeting, we are taking actions consistent with our duty under Chapter 42.30 RCW regarding what appears to have been a violation of this statute. Supervisor Pickett contacted the Attorney General's Office, who advised him to consult the District's Counsel. Unfortunately, the District has no Counsel, who might have stopped the violations described here. We will be sending a copy of this statement to the State Auditor and the Washington Conservation Commission.

We take the confidentiality of executive sessions seriously but also take transparency of government operations in what we tell the public seriously. Therefore, because the meeting appears to have violated the law, pointing out and stopping that illegality supersedes executive session confidentiality.

Signed:



Paul Pickett, Supervisor



Doug Rushton, Supervisor

(Letter for discussion at executive session next special board meeting on 050718 for evaluation of public employee)

April 24, 2018

Sarah Moorehead
Acting Executive Director, TCD

Re: Letter of Direction

Dear Sarah,

This is a letter of direction, which is not a disciplinary action. As we have discussed, since your becoming TCD Acting Executive Director and observing your work, I have had several concerns about your performance. Specifically, the areas are: working overtime, teamwork, and following my directions. Therefore, I am setting forth below my expectations for you in these areas.

1. Overtime—As an overtime eligible employee, you are expected to work your assigned hours and no more unless authorized to do so by the Board Chair or the Board Auditor.
2. Teamwork—You, Sarah, and the Board of Supervisors (BoS) are a team and we expect you to share information, work collaboratively, maintain a high level of communication with us, assist others and back up others at times. To date, the BoS was not informed of the absence of Mara Healy and why she is off work. We were also not informed of the resignation of Amy Franks in a timely manner and had to hear about it from a member of the greater community. We were also not informed of the reason and why Ashley McBee is no longer here and those circumstances of her departure.
3. Staff Reports — it has been a continuous point of contention, not getting the weekly staff reports in a timely manner. I am constantly having to ask for and remind you to get these reports to the board. Sometimes there have been no reports for over a month.
4. I have repeatably ask for updates on the budget and we had all agreed that the board needs to approve any budget changes. This was discussed with you as recently as April 17, 2018 at TCD office.

New Directions—Although we are a team, I, and the BoS, are your supervisor's and expect you to follow our directions. I want a written report to me and the BoS of the personnel questions raised in #2 above within one working week from the date of this letter.

Again, please understand this letter does not constitute disciplinary action; it is a letter of direction intended to clarify what I (BoS) expect of you. If you have any questions about this letter, please let me know.

Best regards,

Eric Johnson, Chair
TCD Board of Supervisors

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Copy Received

Clerk's Stamp

**SUPERIOR COURT OF WASHINGTON
IN AND FOR THURSTON COUNTY**

Plaintiff / Petitioner

vs.

Defendant / Respondent

No. 18-2-03305-34

SCHEDULING QUESTIONNAIRE SUBMITTED BY:

☐ Plaintiff/Petitioner/Appellant DUE: October 26, 2018

☐ Defendant/Respondent DUE: October 31, 2018

☐ Joint Submission or ☐ Other Party: _____

DUE: October 31, 2018

See Local Court Rule 40 to learn how the court schedules cases.

1. Will this be a ☐ bench trial, ☐ jury trial, or ☐ appeal from lower court or agency?
2. What type of case is this (for example, contract, tort)? _____
3. What is the trial setting date for this case? _____
4. How long do you estimate the trial or final hearing will take? _____ hour or _____ days.
5. If this is an appeal, has the appellate record (including any transcript) been delivered to the court clerk, or is there a separate certification that the record at this court is complete? ☐ Yes ☐ No
6. Have all the defendants or respondents been served? ☐ Yes ☐ No
7. When do you anticipate this case will be ready for trial? _____
8. When are you **unavailable** for trial in the next 24 months? (attach unavailable dates).
9. Is this case subject to mandatory arbitration? ☐ Yes ☐ No ☐ Don't know
10. Should this case be scheduled as a priority or does this case require special management by the judge? ☐ No ☐ Yes (explain): _____

Date: 2nd day of July, 2018.

SIGNED/Bar No.: _____
Name: _____
Address: _____
Telephone No: _____
E-mail Address: _____

SIGNED/Bar No.: _____
Name: _____
Address: _____
Telephone No. _____
E-mail Address: _____

SCHEDULING QUESTIONNAIRE (last updated 11.17.16)

THURSTON COUNTY SUPERIOR COURT
2000 Lakeridge Dr. SW, Bldg 2; Olympia, WA 98502
Phone: (360) 786-5430 FAX: (360) 753-4033

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July 24, 2018

To: Thurston Conservation District Board of Supervisors
From: Paul J. Pickett, Supervisor, Thurston Conservation District
Subject: Hiring of HR consultant

For the record I am noting my concerns that the actions of the majority of the Thurston Conservation District Board in authorizing Supervisor Mankamyer to hire an HR consultant by does not appear to have met the requirements of the law. I am attaching my emails on this subject sent on July 15, 2018 and distributed to the Board by Interim Executive Director Sarah Moorehead.

In summary, RCW 89.08.210 authorizes that "supervisors may employ a secretary, treasurer, technical experts, and such other officers, agents, and employees, permanent and temporary, as they may require, and determine their qualifications, duties, and compensation." The Board, in open meeting, never determined the qualification, duties, or compensation of the position.

RCW 89.08.210 also states that " supervisors may delegate to their chair, to one or more supervisors, or to one or more agents or employees such powers and duties as it deems proper." The Board delegated the power to "hire", but did not specifically delegate the power to set qualifications, duties, and compensation.

Since the June 26th meeting other Supervisors have taken actions to hire an HR consultant, but they have not sent me information or documentation of their actions. I understand that they have also not sent any information or documentation to the Interim Executive Director.

I support the hiring of an HR consultant, but the full Board needs to take the actions described above in an open public meeting, with full disclosure and sharing of relevant documents and summaries of actions. Otherwise, the Supervisors involved run the risk of violating state law. This can be corrected by the Board at this meeting or the next regular meeting.

The same concerns apply to hiring a legal counsel and any other future hiring by the Board.

----- Forwarded message -----

From: **Paul Pickett** <paulpickett@conservcwa.net>

Date: Sun, Jul 15, 2018 at 9:30 PM

Subject: Re: FW: HR Update 07.13.18

To: Sarah Moorehead <SMoorehead@thurstoncd.com>

Cc: Shana Joy <sjoy@scc.wa.gov>, "Halpern, Alison (SCC)" <AHalpern@scc.wa.gov>

Sarah,

I would like to provide some comments on Richard's email regarding the contracting of HR services. Please forward a copy of this message to the other Supervisors and to the representatives of Smart Talent that Richard has mentioned.

1. The motion was passed by the vote of Supervisors Johnson, Mankamyer and Powell. I voted nay. Supervisor Rushton was not at the meeting.
2. My notes on the meeting show the same motion as described in the draft minutes. The motion was for Richard to contract with a Human Resources firm for an HR specialist who would report to the Board.
3. RCW 89.08.210 states in its first sentence: "The supervisors may employ a secretary, treasurer, technical experts, and such other officers, agents, and employees, permanent and temporary, as they may require, and determine their qualifications, duties, and compensation." It is within the power of the Board to hire an HR consultant, although I believe by taking this action the Board's actions are contrary to its own policy.
4. I also note that this statement says that the Supervisors "determine qualifications, duties, and compensation." Supervisors is in the plural, so the Board must make these decisions. The Board has taken no action to determine qualifications, duties or compensation. Therefore I infer that the law requires Supervisor Mankamyer to report back to the Board regarding these three items, and the Board must approve them.
5. RCW 89.08.210 also states "The supervisors may delegate to their chair, to one or more supervisors, or to one or more agents or employees such powers and duties as it deems proper." The Board's motion delegated to Supervisor Mankamyer that he "hire a qualified HR person". They did not delegate the determination of qualifications, duties or compensation.
6. The hiring of an HR consultant is not in the Thurston CD Annual Plan nor in its budget. The Board provided no direction on the amount Supervisor Mankamyer could pay for consultant services. I believe that the Board needs to amend its budget to include this expense, and provide a firm amount to spend on this expense. Smart Talent needs to know that the Board has provided no authorization to spend Thurston CD funds on their contract, and has specified no scope of duties.

In summary, although the Board authorized Supervisor Mankamyer to "hire an HR consultant", based both on the discussion at the meeting and the law, he will need to report to the Board so the Board can determine "qualifications, duties, and compensation." In effect, Supervisor Mankamyer should provide the Board with a draft contract that recommends these three items so the Board can vote on it. At the same time the Board should vote on a budget amendment that identifies the sources of funds for the contract. Otherwise, I am concerned that both Thurston Conservation District and Smart Talent will be exposed to legal liability if Supervisor Mankamyer enters into a contract without Board authorization.

Thank you,

Paul Pickett
Supervisor, Thurston Conservation District

On Fri, Jul 13, 2018 at 2:14 PM, Sarah Moorehead <SMoorehead@thurstoncd.com> wrote:

FYI – To keep everyone in the loop, please see below.

Sarah Moorehead

Interim Executive Director | Agricultural Outreach Specialist

Thurston Conservation District

2918 Ferguson St. SW, Ste A Tumwater, WA 98512

(360) 754-3588 ext. 136

www.thurstoncd.com



*Legal Disclaimer:** The contents of all e-mail transmissions to and from this office may be considered public information and subject to the provisions of the State of Washington Public Records Act.*

From: Richard TCD [mailto:rmtcd6@gmail.com]
Sent: Friday, July 13, 2018 12:55 PM
To: Sarah Moorehead; Eric Johnson
Subject: HR Update 07.13.18

Please forward to the Board.

Hello Sarah,

Just wanted to let you know that I have scheduled the new contracted HR person, Diretha Hollenbaugh, with Smart Talent, to start Tuesday the 17 of June at 1PM at TCD. Approximately 12:30 pm of that same day, Tiffany Nevils, Business Development Manager, of Smart Talent, will arrive to do a quick walk through, work site inspection, of TCD. You indicated the other day during our phone conversation that you are familiar with this process. Paperwork for this is attached.

Ms. Hollenbaugh would like to meet with you and the staff at this time. Looks like you are having a staff meeting that day at 10 am and we hope this time will work out for all concerned.

As you may recall, at the board meeting on 06.26.18, a Motion was Passed directing the Board Auditor to Contract for/with (not Hire) an HR person that will report directly to the Board Auditor, as an independently contracted HR person, who then reports to the Board Chair and the Board. This HR person was to start ASAP. The meeting minutes of that board meeting have incorrectly stated the motion and the events that surrounded that Motion and the direction of that Motion. Section 10 B and the AI at the end of that section are in error.

I realize you have some questions about this process and I draw your attention to RCW 89.08.210 where it states the Board of Supervisors authority in Statute.

Thank you for helping make this transition a valuable step forward for the Thurston Conservation District.

Please let me know if there is anything else I can do to support you or the staff at this time.

Thank You for your attention to this.

Richard Mankamyer
TCD Board, Auditor
360-458-4333