

**Thurston Conservation District
Consent Agenda Decision Sheet
July 25th, 2019**



Consent Agenda - Action Items

- A. June Financial Report
 - B. May 30th, 2019 Board Meeting Minutes
 - C. TCD Policy 1.6.2: Meeting Minutes Procedures
 - D. TCD Policy 1.2.1: Board Supervisor Remote Attendance
 - E. TCD Policy 4.7: Public Records & Disclosure
 - F. Interdistrict Agreement for Professional Engineering Services
 - G. WSCC Master Contract Addendums (NRI, Implementation, CREP)
 - H. Resolution #2019-13: 2019-21 WSCC Cost Share Rate
 - I. Resolution #2019-14: Cooperator Labor Rate
 - J. Resolution #2019-15: Settlement and Disclosure (Updated)
-

A. June 2019 Financial Report

Proposed action: accept without amendment and approve.

Action taken:

- ☒ Passed
- ☐ Moved for discussion during meeting
- ☐ Tabled to future meeting

B. May 30th, 2019 Board Meeting Minutes

Proposed action: accept without amendment and approve.

Action taken:

- ☒ Passed
- ☐ Moved for discussion during meeting
- ☐ Tabled to future meeting

C. TCD Policy 1.6.2: Meeting Minutes Procedures

Proposed action: accept without amendment and approve.

Action taken:

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- ☒ Passed
- ☐ Moved for discussion during meeting
- ☐ Tabled to future meeting

D. TCD Policy 1.2.1: Board Supervisor Remote Attendance

Proposed action: accept without amendment and approve.

Action taken:

- ☒ Passed
- ☐ Moved for discussion during meeting
- ☐ Tabled to future meeting

E. TCD Policy 4.7: Public Records & Disclosure

Proposed action: accept without amendment and approve.

Action taken:

- ☒ Passed
- ☐ Moved for discussion during meeting
- ☐ Tabled to future meeting

F. Interdistrict Agreement for Professional Engineering Services

Proposed action: accept without amendment and approve.

Action taken:

- ☒ Passed
- ☐ Moved for discussion during meeting
- ☐ Tabled to future meeting

G. WSCC Master Contract Addendums (NRI, Implementation, CREP)

Proposed action: accept without amendment and approve.

Action taken:

- ☒ Passed
- ☐ Moved for discussion during meeting

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☐ Tabled to future meeting

H. Resolution #2019-13: 2019-21 WSCC Cost Share Rate

Proposed action: accept without amendment and approve.

Action taken:

☒ Passed

☐ Moved for discussion during meeting

☐ Tabled to future meeting

I. Resolution #2019-14: Cooperator Labor Rate

Proposed action: accept without amendment and approve.

Action taken:

☒ Passed

☐ Moved for discussion during meeting

☐ Tabled to future meeting

J. Resolution #2019-15: Settlement and Disclosure (Updated)

Proposed action: accept without amendment and approve.

Action taken:

☒ Passed

☐ Moved for discussion during meeting

☐ Tabled to future meeting

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Consent Agenda Decision Sheet
July 25th, 2019**



ADOPTED BY THE BOARD OF THE THURSTON CONSERVATION DISTRICT,
WASHINGTON ON JULY 2ND, 2019 AND EFFECTIVE IMMEDIATELY.

SIGNED:

Paul Pickett, Board Chair

TJ Johnson, Vice Chair

David Iyall, Board Auditor

Doug Rushton, Board Member

Betsie DeWreede, Board Member

ATTEST:

Sarah Moorehead, Interim Executive Director

Thurston Conservation District Board of Supervisors
July 25th, 2019
Regular Meeting Minutes
(5:30pm – 8:30pm)



Meeting: 5:30pm – 8:30pm

Present at Meeting:

Paul Pickett, TCD Board Supervisor	Sarah Moorehead, Interim Executive Director (IED)
Doug Rushton, TCD Board Supervisor	Ben Cushman, TCD Attorney
David Iyall, TCD Board Supervisor	Alison Halpern, Conservation Commission
TJ Johnson, TCD Board Supervisor	Leah Kellogg, TCD Administrative Assistant
Betsie De Wreede, TCD Board Supervisor	Tony Wilson, Public

Action Items:

1. Interim Executive Director Sarah Moorehead to revise Consent Calendar cover sheet to include Resolution #2019-13 and #2019-14
2. Interim Executive Director Sarah Moorehead to draft a get well card on behalf of the TCD Board and staff for WSCC employee
3. Interim Executive Director Sarah Moorehead to gather information regarding NRSC Section 7 model for federal funding and bring it to the work session to develop the concept into action.
4. Move items "A" Governance Timeline review and "D" Associate Supervisor and Citizens Advisory Committee discussion to the Work session on August 8th.
5. The Questions for the Executive Director Interviews will be discuss and decided on at the 8-8-19 Work session.
6. Supervisor Pickett volunteered to draft a policy development on Citizens advisory Committee and Associate Supervisor.

Motions Passed:

1. *Supervisor De Wreede moved to adopt the revised Consent Agenda. Supervisor Iyall seconded. Motion passed unanimously.*
2. *Supervisor Rushton moved to adopt the Consent Agenda. Supervisor Johnson seconded. Motion passed unanimously.*
3. *Supervisor Johnson moved to accept and approve the Midyear Budget Revision. Supervisor Iyall seconded. Motion passed unanimously.*
4. *Supervisor Johnson moved the approval of the Amended Policy. Supervisor Rushton seconded. Motion passed unanimously.*
5. *Supervisor Johnson moved to reject the offer in the Hanna vs TCD case. Supervisor Iyall seconded. Motion passed unanimously. Supervisors Rushton and Pickett will be refusing to vote due to being involved in the case.*
6. *Supervisor Johnson moved to direct our Counsel to contact Enduris and request they defend the District in the West case against the District. Supervisor Rushton seconded. Motion passed unanimously.*

40 7. *Supervisor Rushton moved to authorize to make a payment to Mr. West in the amount*
41 *of \$507.00 delivered by TCD's Legal Counsel. Supervisor Iyall seconded. Motion passed*
42 *unanimously.*

43 8. *Supervisor Johnson moved to adjourn. Supervisor Iyall seconds. Motion passed*
44 *unanimously. Meeting ends at 8:45pm*

45
46 **Regular Monthly Meeting: 5:30 pm – 8:00 pm**

47
48 **Welcome & Introductions**

49 Supervisor Pickett called the meeting to order at 5:30 pm. Thurston CD Board, Staff, partners,
50 and public introduced themselves. This meeting is being audio recorded.

51
52 **Agenda Review**

- 53
54
 - Move 6- C&D resolutions go to Consent Calendar (same resolutions as last year) and
 - 55 asked Sarah to do a revised Consent Calendar cover sheet to include the change.
 - 56 • Add a report on the legal ground and public facts for what need to go into an executive
 - 57 session in between Governance and Executive session
 - 58 • Update CD defense on the Hanna case after Executive session and before discussing the
 - 59 West case.
 - 60 • Discuss chair seats with the NACD to warm up for the next work session.
 - 61 • Discuss the 7/8/2019 PDR requests under section F in Governance.
 - 62 • Explore the option of going under the NRCS per ESA Proposal with Fish and Wildlife.
 - 63 • Discuss with Counsel the West settlement "Whereas" error (Counsel admits fault in
 - 64 error and will not charge district for the time to correct error) that needs to be
 - 65 corrected before the check can be issued. Added to Consent Calendar.

66
67 *Supervisor De Wreede moved to adopt the Revised Agenda. Supervisor Iyall seconded.*
68 *Motion passed unanimously.*

69
70 **Consent Agenda-ACTION ITEM**

- 71 A. June Financial Report
72 B. May 30, 2019 Board Meeting Minutes
73 C. TCD Policy 1.6.2: Meeting Minutes Procedure
74 D. TCD 1.2.1: Board Supervisor Remote Attendance
75 E. TCD Policy 4.7: Public Records and Disclosures
76 F. Interdistrict Agreement for Professional Engineering Services
77 G. WSCC Master Contract Addendums (NRI, Implementation, CREP)
78 H. Resolution 2019-13 WSCC Cost Share Rate
79 I. Resolution 2019-14 Cooperate Labor Rate
80 J. Resolution 2019-15 Revised West amended resolution that Council is providing

81
82 ***Supervisor Rushton moved to adopt the Consent Agenda. Supervisor Johnson seconded.***
83 ***Motion passed unanimously.***
84
85

86 **Public Comment**

87 **Three minutes per person*
88 Tony Wilson, Public
89
90

91 **Partner Reports**

92 **A. Washington State Conservation Commission (WSCC), Alison Halpern**

- 93 • Update on recovery of WSCC Employee.
- 94 • WSCC Met in Grant County and approved Livestock TA Guidelines, ensuring a fair
- 95 process for CD's to get equal funding. The Livestock Grant is now open.
- 96 • Received the second Thurston CD Investigation report and voted to fill the
- 97 expired appointment position that Supervisor Rushton has been representing.
- 98 They are currently accepting applicants for the position.
- 99 • Supervisors Rushton and Pickett would like to attend the August 21, 2019
- 100 elections; there is partial funding for travel expenses and per diem that WSCC
- 101 will cover.

102 **B. Natural Resource Conservation Service (NRCS), Doug Rushton**

- 103 • NRCS suggested that TCD could be covered under section 7 ESA and Fish and
- 104 Wildlife. WRSC suggested we, or the WSCC, create our own section 7 to use
- 105 Federal funds where endangered species are present. To be discussed at the
- 106 next work session with more writing information is available.

107 **C. National Association of Conservation Districts (NACD), Doug Rushton**

- 108 • NACD summer meeting is in Santa Fe August 3-7, 2019 NACD Forestry Resource
- 109 Policy Group. Supervisor Rushton will be attending
- 110 • There is an annual meeting in Las Vegas in February 2020 that is far more
- 111 comprehensive.

112 **D. Washington Association of Conservation Districts (WACD), Doug Rushton**

- 113 • WACD Executive Director Search is ongoing. They are looking for candidates.
- 114 • Meetings are being posted for September in Clark Conservation District in
- 115 Vancouver. Supervisors are encouraged to attend.
- 116 • Five proposed resolutions for the November WACD meeting
 - 117 1. Whistle Blower Protection Policy
 - 118 2. Spurious Public Disclosure Request
 - 119 3. Propose that the WACD Board review the timeline of WACD Annual
 - 120 Meeting to better coordinate with the Washington State Legislature to
 - 121 ensure WSCD has time to work on policy before the session begins.
 - 122 4. Commission criteria for allegations against Supervisors WACD to work
 - 123 with the Commission to create policy and consideration establishing

- criteria process to timely address allegations brought to them about Supervisors both spurious and non spurious.
5. WACD work with WSCC to allow for CDs to have input into WSCC staff evaluations (i.e. regional managers).

Financial Reports-ACTION ITEM

A. 2019 Mid-Year Budget Revision, Susan Shelton and Sarah Moorehead-ACTION ITEM

- The Midyear Budget reflected the approved budget, the current tracking of that Budget, and the difference between the two. This allows the board to review increase and decrease in funding. They discussed and clarified with staff about how to keep on track for the remainder of the 2019 year. They discussed renewing Legal Counsel.
- New funding sources; Shore Friendly, NRI Cost-Share, Riparian NTA, Livestock TA, Shellfish NTA increase in funding.
- Staffing Plan: Executive Director funding will be from administrative, the SSG assistant is increased to full time because grant funding will cover the cost, Education and Outreach assistant will be full time covered by various grants reflecting the allocation of funds for such a position.

Supervisor Johnson moved to adopt and approve the Midyear Budget Revision. Supervisor Iyall seconded. Motion passed unanimously. Supervisor Iyall is very happy with the report.

WSCC Alison Halpern needed to leave early so the agenda was moved around to allow Counsel provided an update for WSCC on the legal issues facing the district.

Public Legal Report, Ben Cushman

1. Counsel gave a public presentation on the following to the Board:
 - a. suspended funding issue
 - b. Two ongoing litigations cases
 - c. Address the Answer and Cross Claim that Mr. Cushman has filed against the district on behalf of Mr. Johnson and Mr. Makmire.
 - d. Counsel advised dismissing a declaration of Summery Judgment in the Hanna case.

Supervisor Pickett called a 5 minute break at 7:00pm

Resumed at 7:12pm

Financial Report Continued

A. Rates and Charges Renewal Update, Sarah Moorehead

- Successful meeting with the board of county commissioners. TCD presented resolutions regarding Rates and Charges that have been approved by the board. The goal is to collaborate between County and CD. Supervisor DeWreede, Supervisor Iyall, and Alison Halpern from the WSCC were in attendance. Once the County decides to adopt the proposed Rates and Charges the County Staff

will hold a public meeting and begin to implement new Rates and Charges.
TCD's part in this process is complete. The process is in the Counties hands. TCD
will support the County in their process.

*Supervisor Johnson has concerns regarding being behind schedule and motions to table items
Governance-A and Governance-D which are not time sensitive and move them to the work
session.*

B. Executive Director Recruitment Update, TJ Johnson

- The position close on 8-2-19, allowing a two week recruitment
- The Hiring Committee wants to meet on 8-8-19. This meeting will be prior to the work session. This meeting is when the Committee will select the 2 or 3 applicants they would like the Board to interview.
- The interview process of the three candidates will go on the afternoon of 8-22-19, before the board meeting. Potentially taking action on the 8-22-19 Board meeting to decide on who they will offer the position to.
- The interview questions will be discussed at the work session on 8-8-19.
- The Board discussed the Executive Director position being contracted or right to work. Right to work was the consensus.

C. TCD Policy 8.2 Organization Mobile Phone and Similar Device.

- WSCC recommended taking out any language regarding personal call on the devises out of the policy. The WSCC recommend no personal calls at all and the repeated disregard for this policy so could result in performance improvement policy to correct behavior or loss of the cell phone use.

*Supervisor Johnson moved the approval of the Amended Policy. Supervisor Rushton
seconded. Motion passed unanimously.*

E. August Work Session Topic List.

- Topic List Review
- Minutes Review & Revision:
 - July 2nd, 2019
 - July 25th, 2019
- WACD Resolutions:
 - Review draft WACD Resolutions
- 2020 Election Preparation
- Rejoining the TRCP
- Adding Resolutions to the Consent Calendar
- Legal Services Review
- Interview Questions for Executive Director Position:
- Citizen's Advisory Committee Discussion

210 • Working Lands Preservation Discussion:

211 o 0 Net Loss of Farmland – Zahn Parcel

212 o Working Lands Preservation Staff Update – Sarah

213 • Staff Presentation: Voluntary Stewardship Program, *Marguerite Abplanalp*

214 *(Natural Resource Technician)*

215 • August Board Meeting Agenda Development

216 • IED Important Updates & Announcements *(if needed)*

217

218 **Executive Session: Pending Litigation with Legal Counsel- *Action Item tabled till the next work***

219 ***secession.*** Attending: Board and Counsel

220 • Executive session Begins at 7:45 pm -20 mins in duration

221 • 8:05pm Executive session declared an extension of 20 mins

222 • Executive session Ended at 8:25 pm

223 Reopening open meeting 8:28 pm

224 **Executive session Report Out**

225 • TCD has received a settlement offer in the Hanna case from Sean Newman in the

226 sum of \$7,500.00. Counsel advises to reject offer.

227

228 ***Supervisor Johnson moved to reject the offer in the Hanna vs TCD case. Supervisor Iyall***

229 ***seconded. Motion passed unanimously. Supervisors Rushton and Pickett abstained from***

230 ***voting due to being involved in the case.***

231

232 ***Supervisor Johnson moved to direct our Counsel to contact Enduris and request they defend***

233 ***the District in the West vs TCD case against the District. Supervisor Rushton seconded. Motion***

234 ***passed unanimously.***

235

236 Counsel will give Mr. West settlement check in the amount of \$507.00 after the judgment has

237 passed.

238 ***Supervisor Rushton moved to authorize to make a payment to Mr. West in the amount of***

239 ***\$507.00 delivered by TCD's Legal Counsel. Supervisor Iyall seconded. Motion passed***

240 ***unanimously.***

241

242 **August Work Session, Thursday August 8th, 2019 from 2-5 pm**

243 **Next Board Meeting is August 22nd, 2019 from 5:30-8 pm**

244

245 *Supervisor Johnson moved to adjourn. Supervisor Iyall seconded. Motion passed unanimously.*
246 *Meeting ends at 8:45pm*

247
248 **Adjourn, All**
249

250 Respectfully,

251 
252 _____
253 Paul Pickett, Board Chair

254

