

Thurston Conservation District Consent Agenda Decision Sheet August 22nd, 2019



Consent Agenda - Action Item

- A. July Financial Report
 - B. July 2nd, 2019 Board Meeting Minutes
 - C. July 25th, 2019 Board Meeting Minutes
 - D. WACD Resolution: CD input into WSCC staff evaluations
 - E. WACD Resolution: OPMA "whistleblower" protection
 - F. WACD Resolution: WSCC Criteria for allegations against supervisors
 - G. WSCC Cost Share Contract: 7632
 - H. WSCC Cost Share Contract: 11306
 - I. Shellfish NTA MOU
 - J. Riparian NTA MOU
 - K. TRPC MOU
 - L. WSCC Shellfish Cost Share Addendum
 - M. WSCC Drought Funding Addendum
-

A. July Financial Report

Proposed action: accept without amendment and approve.

Action taken:

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

B. July 2nd, 2019 Board Meeting Minutes

Proposed action: accept without amendment and approve.

Action taken:

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

C. July 25th, 2019 Board Meeting Minutes

Proposed action: accept without amendment and approve.

Action taken:

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

D. WACD Resolution: CD input into WSCC staff evaluations

Proposed action: accept without amendment and approve.

Action taken:

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

E. WACD Resolution: OPMA "whistleblower" protection

Proposed action: accept without amendment and approve.

Action taken:

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

F. WACD Resolution: WSCC Criteria for allegations against supervisors

Proposed action: accept without amendment and approve.

Action taken:

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

G. WSCC Cost Share Contract: 7632

Proposed action: accept without amendment and approve.

Action taken:

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

H. WSCC Cost Share Contract: 11306

Proposed action: accept without amendment and approve.

Action taken:

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

I. Shellfish NTA MOU

Proposed action: accept without amendment and approve.

Action taken:

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

J. Riparian NTA MOU

Proposed action: accept without amendment and approve.

Action taken:

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

K. TRPC MOU

Proposed action: accept without amendment and approve.

Action taken:

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

L. WSCC Shellfish Cost Share Addendum

Proposed action: accept without amendment and approve.

Action taken:

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

M. WSCC Drought Funding Addendum

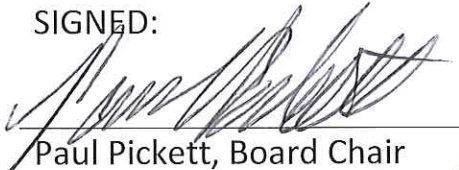
Proposed action: accept without amendment and approve.

Action taken:

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

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

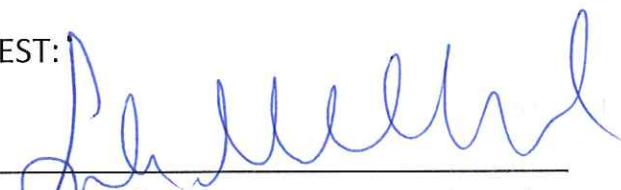


Doug Rushton, Board Member



Betsie DeWreede, Board Member

ATTEST:



Sarah Moorehead, Interim Executive Director

Thurston Conservation District Board of Supervisors
August 22nd, 2019
Special Meeting Minutes (2:00pm - 5:00 pm)
Regular Meeting Minutes (5:30pm – 8:00pm)



Special Meeting: 2:00 pm – 5:00 pm

Present at Meeting:

Paul Pickett, TCD Board Chair

Doug Rushton, TCD Board Supervisor

TJ Johnson, TCD Board Supervisor

Jean Fike, Conservation Commission

1. Search Committee report

Supervisor Johnson summarized the results of the Executive Director Candidate search: Ten applications were received. Four applications were incomplete and ineligible. Six applications were reviewed and three were selected for interview. The three finalists met with staff and with the public at separate meetings on August 20th. A list of interview questions was developed for Board review.

The Board reviewed and edited interview questions.

Special Meeting recessed at 2:24pm

Executive Session: Evaluate the qualifications of an applicant for public employment, RCW 42.30.110 (g) To evaluate the qualifications of an applicant for public employment. Candidate Charlene Andrade, Jean Fike, and Supervisors Pickett, Johnson and Rushton were in attendance. 2:30pm – 3:00pm.

Special Meeting recessed.

Executive Session: Evaluate the qualifications of an applicant for public employment, RCW 42.30.110 (g) To evaluate the qualifications of an applicant for public employment. Candidate Tim O'Brien, Jean Fike, and Supervisors Pickett, Johnson and Rushton were in attendance. 3:15pm – 3:45pm.

Special Meeting recessed.

Executive Session: Evaluate the qualifications of an applicant for public employment, RCW 42.30.110 (g) To evaluate the qualifications of an applicant for public employment. Candidate Sarah Moorehead, Jean Fike, and Supervisors Pickett, Johnson and Rushton were in attendance. 4:00pm – 4:30pm.

Special Meeting recessed.

Executive Session: Evaluate the qualifications of an applicant for public employment, RCW 42.30.110 (g) To evaluate the qualifications of an applicant for public employment. Candidate Jean Fike, Supervisors Pickett, Johnson and Rushton were in attendance. 4:35pm – 5:00pm.

Special Meeting adjourned.

Regular Meeting: 5:30pm – 8:00pm

Present at Meeting:

Paul Pickett, TCD Board Chair	Sarah Moorehead, TCD Executive Director
Doug Rushton, TCD Board Supervisor	Ben Cushman, TCD Attorney
TJ Johnson, TCD Board Supervisor	Leah Kellogg, TCD Staff
Jean Fike, Conservation Commission	Tony Wilson, Public

Summary of Action Items:

1. Dissolve the position of Interim Executive Director.
2. The Executive Director will bring an updated copy of the Mid-Year Budget Revision for approval at the next meeting.
3. The findings in the Audit report will be sent to Enduris, The Executive Director will send the Report.
4. Draft a press release and send to the appropriate sources that announces the successful Audit Report and the WSCC renewed confidence in the district.
5. The results of meeting with County Auditor Mary Hall will be discussed in the September 12th Work Session.

Summary of Motions Passed:

1. *Supervisor Rushton moved to adopt the Revised Agenda. Supervisor Johnson seconded. Motion passed unanimously.*
2. *Supervisor Johnson moved to adopt the Consent Agenda. Supervisor Rushton seconded. Motion passed unanimously.*
3. *Supervisor Rushton moved to offer the position of Executive Director of Thurston Conservation District to Sarah Moorehead. Supervisor Johnson seconded. Motion passed unanimously.*
4. *Supervisor Johnson motioned moving \$10,000 from Government Training Study into legal fees and advises Staff to update the Mid-Year Budget Revision Amendment based on the changes to staffing. Supervisor Rushton seconded. Motion passed unanimously*
5. *Supervisor Johnson moved to appoint Supervisor Doug Rushton as Auditor until such time that the Board chooses to revisit that decision. Supervisor Pickett seconded. Motion passed. Supervisor Rushton abstained.*
6. *Supervisor Rushton motioned to approve the substantive term of the Shellfish MTA MOU with a signature to occur upon receipt of a contract that include terms incorporated by writing of terms incorporated by reference. Supervisor Johnson seconded. Motion passed unanimously.*
7. *Supervisor Rushton moved to re-adopt the Actions and Motions of Thurston Conservation District from February 2019 through July 2019. Supervisor Johnson seconded. Motion passed unanimously.*
8. *Supervisor Johnson moved to direct Council offer a settlement in an amount not to exceed \$6000.00 to resolve all claims against all parties in the Hanna case. The amount of which*

will be offset in reduction of council fees in Hanna case with no net loss to the District.
Counsel recommends settling.

Supervisor Pickett and Rushton recused themselves and Supervisor Johnson voted aye. The legal counsel advised that, in this case, with three as a Quorum, a vote of 1 aye and 2 recusals is a legal passage of the motion. Motion passed.

9. Supervisor Johnson moved to direct Staff to retain Jeff Freimund to represent the District in the Cross Claim filed by Sean Newman in the West case and any other related claims.
Supervisor Rushton seconded. Motion passed unanimously.

10. Supervisor Rushton moved to adjourn the meeting. Supervisor Johnson seconded. Motion passed unanimously.

Full Version of the Minutes

Regular Monthly Meeting: 5:30 pm – 8:00 pm

Welcome & Introductions

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

Supervisor Betsie DeWreede was unavailable and was excused. (See next item regarding status of Supervisor David Iyall)

Washington State Conservation Commission Legal Update, Jean Fike

Washington Conservation Commission held a special session on July 20, 2019 to discuss ongoing Legal issues. Much of the meeting was in executive session. The Commission passed a Motion at that meeting as follows:

Motion by Commissioner Longrie, to recommend that the Conservation Commission direct the Attorney General office to Appeal the decision by Superior Court in the matter of Johnson vs. Conservation Commission and enter the process of entering a Stay of Superior Court Judges decision, seconded by Commissioner Williams, motion passed.

Fike noted that there is no written decision, and the timeline is uncertain. Counsel Cushman noted that there is only an oral ruling, so the status of the affected Board seat is uncertain. Neither Richard Mankamyer (the previous Supervisor in this seat) nor David Iyall (appointed later as Supervisor to this seat by the Board) attended this meeting.

Agenda Review

- Items in the agenda were reordered.
- A quick election update was added.

127 ***Supervisor Rushton moved to adopt the Revised Agenda. Supervisor Johnson seconded. Motion***
128 ***passed unanimously.***

129
130 **Consent Agenda – ACTION ITEM**

- 131 A. July Financial Report
- 132 B. July 2nd, 2019 Board Meeting Minutes
- 133 C. July 25th, 2019 Board Meeting Minutes
- 134 D. WACD Resolution: CD input into WSCC staff evaluations
- 135 E. WACD Resolution: OPMA “whistleblower” protection
- 136 F. WACD Resolution: WSCC Criteria for allegations against supervisors
- 137 G. WSCC Cost Share Contract: 7632
- 138 H. WSCC Cost Share Contract: 11306
- 139 I. **Shellfish NTA MOU: removed, moved to 7-E before Governance**
- 140 J. Riparian NTA MOU
- 141 K. TRPC MOU
- 142 L. WSCC Shellfish Cost Share Addendum
- 143 M. WSCC Drought Funding Addendum

144 ***Supervisor Johnson moved to adopt the Consent Agenda. Supervisor Rushton seconded. Motion***
145 ***passed unanimously.***

146
147 **Hiring a TCD Executive Director**

148 Supervisor Johnson reviewed the hiring process:

- 149 • July 25, 2019: The Search Committee was formed at the regular Board meeting, consisting of
150 Supervisor Doug Rushton, Supervisor T.J. Johnson and Nora White (representing Staff).
- 151 • Notice of the position was posted in July on the website and other job sites with an
152 application deadline of August 2, 2019.
- 153 • Ten applications were received.
- 154 • August 8, 2019: The committee met to review applicants. Four applications were incomplete
155 and ineligible. The Committee reviewed six applications that met the criteria, and
156 recommended 3 candidates to recommend for interviews and a Board decision.
- 157 • August 8, 2019: The Board at its Work Session approved 3 candidates: Charlene Andrade,
158 Tim O’Brian, and Sarah Moorehead.
- 159 • The Committee organized interviews of the candidates with staff, and an open house to
160 meet with the public.
- 161 • August 20, 2019: Staff interviews took place in the morning. The open house took place in
162 the evening.

- Nora White compiled staff comment and public comments and sent them to the Board prior to interviews.
- August 22, 2019: At the Special Session, Board interviewed candidates, and discussed the merits of each candidate.

Supervisor Rushton moved to offer the position of Executive Director of Thurston Conservation District to Sarah Moorehead. Supervisor Johnson seconded. Motion passed unanimously.

- Effective date of the hire is September 1, 2019.
- WSCC supports the decision and will assist with the paperwork.
- Supervisor Pickett and Johnson will develop a hiring letter, and meet with Ms. Moorehead on August 29th, 2019 to discuss hiring letter, expectations, paperwork, and hiring dates.
- Supervisor Johnson will attend the next Staff meeting to announce decision.
- Supervisor Johnson will contact the other applicants to notify them of the Board's decision.
- Supervisor Pickett will contact Ramiro Chavez at Thurston County to notify him of the Board's decision.

Public Comment

Tony Wilson, Public

Partner Reports

Natural Resources Conservation Service (NRCS)

- Jeff Swotek was absent - no report.

Washington State Conservation Commission (WSCC), Jean Fike

- WSCC cancelled the all-Districts Election and Policy Meeting in Ellensburg
- A tour was organized for staff of the Organization of Financial Management, to help clarify what Districts do and how the funding is allocated.
- WSCC is confident of how the District is functioning, and will be stepping back from attending every TCD meeting. They are going to start attending once a month, and then after a few months, once a quarter. WSCC is always available in a support role when necessary.
- Supervisor asked about support for strategic planning. Stu Trefry will provide support, along with Ms Fike.

Washington Association of Conservation Districts (WACD), Doug Rushton

- A written report was provided.
- Attended a Conservation Commission workshop in Ellensburg. The workshop came up with a blanket statement to cover all the Districts:

197 "Conservation Districts are the community hub, bringing people and resources
198 together through voluntary locally lead conservation, ensuring a healthy and
199 sustainable future."

200 National Association of Conservation Districts (NACD), Doug Rushton

- 201 • Written report was provided.
- 202 • Farm Bill listening session hosted by Michael Crowderawler, the first Vice President
203 of NACD on August 21, 2019 at Barker Ranch, West Richland. Leaders in Farm Bill
204 implementation attended, including Associate NRCS Chief Norton.
- 205 • In order to implement the Farm Bill, NRCSACD will have to allocate more staff.

206 **Financial Report**

207 2019 Mid-Year Budget Revision Amendment, Sarah Moorehead - **Action Item**

- 208 • The Mid-Year Revision Amendment was tabled until September.
- 209 • Staff discussed cost savings from the Executive Director hire, and possible
210 reallocation of those funds.
- 211 • In the budget, there was \$10,000 for governance training, but this objective was met
212 without spending the money.
- 213 • The Executive Director will update staffing plan, for the September meeting, which
214 also allows reallocation of funding.

215 ***Supervisor Johnson motioned moving \$10,000 Government training study into Legal fees and***
216 ***advice staff to update the Mid-Year Budget Revision Amendment based on the changes to***
217 ***staffing. Supervisor Rushton seconded. Motion passed unanimously***

218 Rates and Charges Renewal Update, Sarah Moorehead

- 219 • The Executive Director reached out to a county representative: no updates and the
220 hearing has not been scheduled.
- 221 • Mid-Year Progress Report was submitted to the County before the deadline.
- 222 • The Executive Director shared the "No Findings" Audit Report with the County.

223 TDC Board Vacant Positions

- 224 • Supervisor Rushton volunteered to be the sit in Board Auditor until the WSCC appeal
225 is resolved.
- 226 • Rushton awaits a decision by the WSCC in September regarding his application for
227 reappointment to the position he currently holds.

Supervisor Johnson moved to appoint Supervisor Doug Rushton as Auditor until such time that the Board chooses to revisit that decision. Supervisor Pickett seconded. Supervisor Rushton abstained. Motion passed.

Thurston Conservation District Accountability Audit (2014-2018), Sarah Moorehead

- The audit is done; it was finalized on Monday August 19, 2019. The Auditor's report offered helpful suggestions that Staff have already started to implement. The Report had no "findings" for the District.
- The next audit will be in 2121 covering 2019-2020.
- The Executive Director will send the findings in the report, along with a WSCC letter stating their vote of confidence, to Enduris.
- The Board requested that staff draft a press release to send out to the appropriate sources that announces the successful Audit Report and WSCC renewed confidence in the district.

Shellfish NTA MOU, Sarah Moorehead

- The County would like to add some specific language in the agreement. The terms are the same and contract will be changed by copying and pasting new legal sections. Beyond that addition, nothing else has changed.

Counsel articulated the language of the Motion.

Supervisor Rushton moved to approve the substantive term of the Shellfish MTA MOU with a signature to occur upon receipt of a contract that include terms incorporated by writing of terms incorporated by reference. Supervisor Johnson seconded. Motion passed unanimously.

Governance

Election Update, All

- A meeting is set for Tuesday August 27th, 2019 with County Auditor Mary Hall to discuss the support they can provide TCD given the 2020 primary elections.
- The results of that meeting will be discussed in the September 12th Work Session.

Union Negotiations Update, Sarah Moorehead

- We are still pending schedule for the first bargaining team joint meeting, process is underway.

- 257 • Once the negotiation begins, the Board will add a standing Executive Session
258 moving forward for the purpose of updates on negotiations on the agenda,
259 consistent with OPMA.

260 Strategic Planning Process Development, All

- 261 • Having the full board present and Stu from the Commission is important. Table to
262 work session.

263 Associate Supervisors and Citizens Advisory Committee Discussion, All

- 264 • The second hour of the Work Session can be spent on this topic.
265 • Tabled until the work session
- 266 A. September Work Session Topic List, All
- 267 • Strategic planning- spend at least an hour with the goal of setting a clear process.
268 • Minutes
269 • Advisory Committee's goal is to start a good solid draft; the Executive Director
270 will provide Citizens Advisory Council Examples from other districts. 30 minutes.
271 • MOU and Contracts- intended to brief about what would be signed on regular
272 meeting on consent agenda. 15 minutes
273 • Staff Presentation 15 minutes
274 • Governance timeline

275 Meeting recessed 7:00pm – 7:12pm

276 **Executive Session:** To discuss pending litigation with legal counsel. Opened at 7:12 for 20 minutes.
277

278 RCW 42.30.110 (i) To discuss with legal counsel representing the agency matters relating to
279 agency enforcement actions, or to discuss with legal counsel representing the agency litigation or
280 potential litigation to which the agency, the governing body, or a member acting in an official
281 capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely
282 to result in an adverse legal or financial consequence to the agency.

283 **Executive Session Recessed at 7:30pm**

284 **Executive Session Report Out - Action Item 7:32 PM**

- 285 • Due to the Superior Court's decision in Johnson vs. WSCC, past motions taken with
286 Supervisor Iyall are not clearly completed actions.
287 • Recommendation from Counsel to ratify the actions where Supervisor Iyall was
288 present and accounted for.

- A list compiled by Staff, reflects Feb- April 2nd 2019 all motions by the Board and April to July 19th 2019 all motions with Supervisor Iyall as mover, the second, or a voter.

Supervisor Rushton moved to re-adopt the Actions and Motions of Thurston Conservation District in the document provided by Counsel from February 2019 through July 2019. Supervisor Johnson seconded. Motion passed unanimously.

Supervisor Johnson moved to direct Council offer a settlement in an amount not to exceed \$6000.00 to resolve all claims against all parties in the Hanna case. The amount of which will be offset by a reduction of council fees in Hanna case with no net cost to the District.

Supervisor Pickett and Rushton recused themselves and Supervisor Johnson voted aye. The District Counsel advised that, in this case, with three as a Quorum, a vote of 1 aye and 2 recusals is a legal passage of the motion. Motion passed.

The District Counsel noted that this is a special accommodation to encourage settlement in the case, the result being the district doesn't pay any money; this is not a usual accommodation to be used for similar lawsuits in the future.

Executive Session reconvened, Counsel Cushman, Sarah Moorehead, Supervisors Pickett, Johnson and Rushton in attendance, to discuss pending litigation in the West Case and contract outside counsel, due to a conflict of interest with current Counsel. Opened at 7:35pm for 15minutes—

Executive Session closed at 7:48pm

Executive Session report out pertaining to the Cross Claim- Action Item

- In the West case, Counsel suggests obtaining outside separate counsel to undertake the defense of the Cross Claim and any other actions pertaining to the West Case. Recommendation from Counsel, insurance company, and Supervisors produced 3 firms that would be appropriate.
- Staff has reached out to 3 firms, received proposals from 2 firms; Phillip Bourgeois and Freimund Jackson and Tardiff. The Board has reviewed them and recommendations from Executive Director and Counsel. Cost measures may be different between firms.

Supervisor Johnson moved to direct Staff to retain Jeff Freimund to represent the District in the Cross Claim filed by Sean Newman in the West case and any other related claims. Supervisor Rushton seconded. Motion passed unanimously.

Executive Director mentioned that this hiring process followed District Policy 4.6.

320 **Other Reports**

321 **A. Board of Supervisor Report- NONE**

322 **B. Interim Executive Director Report**

- 323
 - Thankful the Board for thorough hiring process. She is grateful for the support in
- 324 offering her the position.

325 **B. Correspondence**


- 326
 - The WACD area meeting is coming up in October.

327 **Adjourn**

328 ***Supervisor Rushton moved to adjourn the meeting. Supervisor Johnson seconded. Motion passed***

329 ***unanimously.***

330



X Paul Pickett
TED chair