TAB 3

Washington State
Conservation Commission

May 15, 2014

To: Mark Clark, Executive Director

From: Bill Eller, Election Officer / Regional Manager

Subject: 2014 Conservation District Elections

Summary

Staff recommends the Commission board certify all district elections.

Staff recommendation

Action item #1 – The staff recommendation is for the Commission to certify all 45 conservation district elections as none of the districts had any issues of *significant noncompliance* with WAC Chapter 135-110 and the election procedures published for this election cycle.

Action item #2 – Following certification of conservation district elections, the staff recommendation is for the Commission board to announce the official winners as listed below.

Election Compliance

Overall, continued compliance with the election procedures continue to improve. The twenty or so substantive amendments to the Election Manual made last September 2013 seemed to address a host of issues that typically arose during the election cycle.

As has happened in the past, most errors involving the lack of compliance with WAC Chapter 135-110 came to the attention of Commission staff in enough time to correct the error before it became irreversible. The result is far fewer errors committed by districts in trying to comply with the WAC, and the few that slipped through didn't rise to the level of substantial non-compliance, as defined in the WAC.

Overall, errors in the election process (minor and serious) were substantially reduced from prior years. Those compliance errors that were committed but corrected were for:

- Submitting original forms to the Commission, instead of copies, and
- Failure to adopt, in the election notice, all the requirements for the election.

Errors that were committed (but didn't affect the outcomes of the election) that couldn't be corrected (which will count against the districts for good governance purposes) were:

- Adams: violated the requirement for due notice of the election by not publishing the intent to adopt an election resolution twice, in violation of WAC 135-110-220(1) and WAC 135-110-110.
- Clark: violated WAC 135-110-750(1) requiring them to turn in their balloting results within 28 days of the election. Their forms were received on April 3, 2014; they were due (in their case) on March 21, 2014.

- Cowlitz: violated WAC 135-110-210(3) by turning in Form 1 too late. WAC 135-110-210(3) requires Form 1 to be sent to the Commission by the candidate filing deadline. Cowlitz turned in Form 1 on March 24, 2014. It was due February 27, 2014. Cowlitz also violated WAC 135-110-240(2) for not having the poll site open for a minimum of four hours – they only had it open for 3.5 hours.
- Kitsap: violated WAC 135-110-210(3) by turning in Form 1 too late. They turned in Form 1 on March 27, 2014. It was due February 21, 2014.
- San Juan: violated WAC 135-110-210(3) by turning in Form 1 too late. Also, because their election was held on February 10, 2014, all the rest of the Forms needed to be to the Commission by March 20, 2014. San Juan's Forms were received on April 8, 2014 in the mail - a violation of WAC 135-110-750(1).
- Thurston: violated the requirement for due notice of the election by not publishing the intent to adopt an election resolution in a newspaper, in violation of WAC 135-110-220(1).
- Wahkiakum: violated WAC 135-110-210(3) by turning in Form 1 too late. They turned in Form 1 on March 20, 2014. It was due February 20, 2014. They also used the wrong form for candidates – not technically a violation of the WAC.
- Whitman: violated WAC 135-110-210(3) by turning in Form 1 too late. They turned in Form 1 on January 27, 2014. It was due January 11, 2014.

The majority of the errors documented above could be avoided by more attention being paid to deadlines that each District sets for itself when it chooses its own election day. Each District chooses their own election day (any day in the months of January, February and March).

Because each District chooses its own election day, each District has their own set of election deadlines, based on that chosen election day. While this may sound confusing, a mechanism is available for districts to keep track of all the procedural and other election deadlines they may have, based on their chosen election day. That mechanism is a spreadsheet (the Election Calculator) wherein the district enters their election date and all of the procedural deadlines and other requirements are automatically calculated. The Election Calculator is illustrated on the last page of this report.

The continued reduction in election errors should be attributed to a number of different efforts:

- *District Familiarity with WAC Chapter 135-110*. Districts have become very accustom to using the election administrative regulations adopted in 2010.
- *Continued Revision of Election Forms and Procedure.* During the summer of 2013, Commission staff made a number of improvements to the election forms and procedures manual to clarify and simplify some issues that came to light during last years' election cycle.
- *September 2013 Elections Webinar.* Commission staff presented an election webinar to districts highlighting areas for improvement based on last years' election cycle, outlining election forms and manual changes, and reminding districts of important timelines and election procedures.
- *Fall 2013 Elections Outreach.* Commission staff made a concerted effort during the fall of 2013 to communicate with districts the intricacies of the election cycle, timelines, deadlines, and procedures. A special email list of election supervisors was updated to disseminate information directly to election supervisors for each district.
- *Election Cycle (Dec 2013-Mar 2014) Outreach.* Commission staff was able to work with districts during the election cycle to reduce errors in real time.
- *Election Boot-Camps.* Commission staff conducted three election boot-camps for conservation district staff new to the district or new to elections during the fall of 2013. The boot-camps were designed specifically to cover every detail, from start to finish, that an election supervisor would need to conduct the District's election.

Conservation District Election Results:

District	Election Date	ARI	Compliant?	Certify?	Supervisor Elect
Adams	1.28.14		N	Y	Curtis Hennings
Asotin County	3.13.14	Y	Y	Y	Keith Ausman
Benton	3.12.14		Y	Y	Mike Sackschewsky
Cascadia	1.21.14		Y	Y	Junell Wentz
Central Klickitat	2.20.14	Y	Y	Y	Dan McCarty
Clallam	3.20.14		Y	Y	Robert L. Beebe
Clark	2.21.14	Y	N	Y	Doug Stienbarger
Columbia	1.23.14		Y	Y	Robin Flem
Cowlitz	3.27.14	Y	N	Y	Joe Shulke
Eastern Klickitat	2.13.14	Y	Y	Y	Mike Copenhefer
Ferry	3.26.14		Y	Y	Eric K. Bracken
Foster Creek	1.30.14	Y	Y	Y	Sharon Davis
Franklin	3.19.14		Y	Y	Dick Bengen
Grant County	2.11.14	Y	Y	Y	John Preston
Grays Harbor	3.21.14	Y	Y	Y	Carl Waara
Jefferson County	3.5.14	Y	Y	Y	Julie Boggs
King	2.25-3.11.14		Y	Y	Dick Ryon
Kitsap	3.21.14	Y	N	Y	Jacqueline Lovely
Kittitas County	2.11.14	Y	Y	Y	Ron Gibb
Lewis County	3.5.14	Y	Y	Y	Marvin Courtney
Lincoln County	2.25 & 2.26.14		Y	Y	Jim Baye
Mason	2.22.14		Y	Y	Larry Boltz
North Yakima	3.18.14	Y	Y	Y	Frank Hendrix
Okanogan	2.19.14	Y	Y	Y	Ivan Oberg
Pacific	3.20.14	Y	Y	Y	Mark Ashley
Palouse	3.4.14	Y	Y	Y	Larry Cochran
Palouse-Rock Lake	1.8.14		Y	Y	Joshua J. Garrett
Pend Oreille	2.22.14	Y	Y	Y	George Stuivenga
Pierce	3.12.14		Y	Y	David Seago
Pine Creek	2.12.14	Y	Y	Y	Joe St. John
Pomeroy	2.3.14	Y	Y	Y	Bryan McKeiman
San Juan Islands	2.10.14		N	Y	Robert Gamble
Skagit	3.18.14	Y	Y	Y	Paul Blau
Snohomish	3.18.14		Y	Y	Adam Farnham
*South Douglas	1.30.14		Y	Y	Vacant
South Yakima	3.26.14	Y	Y	Y	Janelle Moses
Spokane County	3.11.14	Y	Y	Y	Randall James
Stevens County	2.19.14	Y	Y	Y	Andy Kroiss
Thurston	3.25.14	Y	N	Y	J. Treacy Kreger
Underwood	2.18.14	Y	Y	Y	Paul Newell
Wahkiakum	3.19.14	Y	N	Y	Ed Videan
Walla Walla Co.	1.29.14	Y	Y	Y	Jeff Schulke
Whatcom	3.11.14		Y	Y	Daniel Heeringa
Whidbey Island	2.4.14	Y	Y	Y	Wendi Hilborn
Whitman	2.11.14	Y	N	Y	Walter Riley
45		29	37	45	45
		64%	82%	100%	

* South Douglas CD otherwise complied with election procedures, but had no candidates, therefore, by operation of WAC 135-110-740(1), the incumbent will serve another full term (after an official announcement by the Commission).

2014 Election Deadline Calculator

Enter election date: 3/31/2014 Your election must be held between January 1 and March 31, 2014!

MONTH / DAY / YEAR

When	Date	Who	Form	Action	WAC	Election Manual
By:	2/9/14	ES	5	Publish the first notice of the intent to adopt an Election Resolution (at least 6 days before the 2nd notice below).*	135-110-220(1)	Section 2.D.2
No later than:	2/16/14	ES	5	Publish the second notice of the Intent to Adopt an Election Resolution.*	135-110-220(1)	Section 2.D.2
On:	2/17/14	BOS	1	Hold BOS meeting to adopt the Election Resolution.*	135-110-210	Section 2.D.2
As soon as:	2/18/14	ES	1 & 5	Publish the first notice of the adopted Election Resolution (at least 6 days before the 2nd notice below).*	135-110-220(2)	Section 2.D.2
No later than:	3/2/14	ES	1 & 5	Publish the second notice of the adopted Election Resolution.*	135-110-220(2)	Section 2.D.2
No later than:	3/3/14	ES	1	Deadline for WSCC to receive the adopted Election Resolution.*	135-110-210(3)	Section 2.D.2
By:	3/3/14	C	2	Candidate provides information to CD by the filing deadline.*	135-110-320	Section 2.G
By:	3/3/14	C	3	Candidate provides the nominating petition to CD by filing deadline.*	135-110-340	Section 2.G
On:	3/3/14	N/A	N/A	Candidate filing deadline (at least 4 weeks before election date).*	135-110-330	Section 2.G
As soon as:	3/4/14	ES	Checklist	If automatically re-electing an incumbent, the Checklist must be filled out & submitted.	135-110-370	Section 2.J.1
	Before printing ballots	ES	4	Verify each candidate is qualified to serve.	135-110-355	Section 2.D.2.i
	Before printing ballots	ES	4	Verify each candidate's nomination petition.	135-110-355(3)	Section 2.D.2.i
By:	3/10/14	ES	N/A	Suggested deadline for voters to request from the District absentee ballots.	135-110-410	Section 2.D.2.k
By:	3/17/14	ES	N/A	Suggested deadline for the District to have sent out to voters all requested absentee ballots.	135-110-520	Section 2.D.2.k
On election day:	3/31/14	POs	6	Complete poll lists.	135-110-550	Section 2.F.2
On election day:	3/31/14	POs	7	Count ballots, complete ballot results report.	135-110-750	Section 2.F.3
On election day:	3/31/14	ES	Checklist	If automatically re-electing an incumbent, take necessary pictures of election cancellation signs.	135-110-370	Section 2.J.1
By:	4/28/14	ES	N/A	Submit copies of all completed forms to WSCC. If automatically re-electing an incumbent, remember to provide photos and other supporting materials (see Checklist).	135-110-750	Section 2.D.5

Abbreviations: C = Candidate; CD = Conservation District; BOS = CD board of supervisors; ES = Election Supervisor; POs = Polling Officers.

For forms and procedures, please visit: *http://www.scc.wa.gov/elections*; Submit copies of election documents to *elections@scc.wa.gov*

**** PLEASE NOTE: These times are minimums, the BOS can set more than this minimum amount of time (WAC 135-110-330(2)); if they do so, all * dates will have to be adjusted accordingly.***

Washington State
Conservation Commission

May 15, 2014

To: Mark Clark, Executive Director

From: Bill Eller, Election Officer / Regional Manager

Subject: Election and Appointment Process Policy Issues

Summary

Two policy issues came to light during the 2014 election and appointment cycle. Staff presents those to the Commission for information only as the two issues will go through the "policy on policy" process this summer for July Commission action.

Issue #1 – Notice Publication Method

Issue:
There is a discrepancy between the definitions of "due notice" in the WAC and "print media" in the Election Manual. The discrepancy affects notification to the public about district elections and district elections costs.

Background:
Prior to this year, Commission staff interpreted the due notice requirement necessary for the proper publication of the two notices districts have to publish (the notice of the intent to adopt an election resolution and the notice of the adopted election resolution) to require publication of each notice, twice, at least six days apart, in a newspaper (both times). Districts were also free (and encouraged) to publish both notices in multiple formats (newspaper, web, bulletin boards, newsletters, etc). However, to be in official compliance with election procedures, both notices would have to be published in newspapers, both times. For most districts, this results in a substantial cost of publication of election notices.

However, this year, a number of districts printed the notice first in the newspaper, then for their second notice, they either chose or were forced to publish the second notice in some other media (i.e. not a newspaper – typically on their web page, office door, newsletter, etc).

Districts relied on the definition of "print media" in the Election Manual when choosing to use this alternative method of publication of the second notice. Or, in some instances, districts were forced to publish the second notice in some other media format because the newspaper didn't comply with the districts' instruction to publish the notice a second time. Although allowing for the second publication to be published in alternate media not the traditional interpretation of that provision, Commission election staff found enough ambiguity in its application to allow for this kind of publication by districts for the second notice.

The policy choice is thus: although print publication (newspaper) is the traditional route for election publication notices, most folks are now moving to electronic publication (web or otherwise). However, there are still people who don't access the internet (just as there are people who don't subscribe to newspapers). What sort of publication is necessary to maintain the integrity of the district election system?

Options:

Option #1: New Media: No change from the new interpretation of the definitions of "due notice" and "print media." In other words, districts can continue to publish the first notice in the newspaper, and then can use any other media (electronic or otherwise) to publish the second notice.

Pros: requires the publication of both notices in both old and new media; flexible; reaches a wide variety of media users; lower costs to districts (only publish once in the newspaper).

Cons: might not reach old media users (i.e. newspaper readers) with the second notice.

Option #2: Traditional Media: Revert back to the staff's original interpretation of the definitions of "due notice" and "print media." In other words, notices must be published in the newspaper both times – the first and the second time – in order to be compliance with election procedure. This choice would necessitate the removal of the definition of "print media" from the Election Manual to eliminate confusion over this issue.

Pros: reaches old media users (i.e. newspaper readers) with both notices; familiarity of media outlet. variety of media users; lower costs to districts (only publish once in the newspaper).

Cons: only requires publication in traditional media (i.e. newspapers) and makes additional notice in new media optional for districts, therefore might not reach new media users; higher cost to the district (both notices required to be published in the newspaper).

Option #3: New Media with a Twist: No change from the new interpretation of the definitions of "due notice" and "print media." In other words, districts can continue to publish the first notice in the newspaper, and then can use any other media (electronic or otherwise) to publish the second notice. While the first notice is printed in the newspaper, there would be an added requirement that the first notice also be posted on the districts web page. The first notice would also include a clear statement that future information on the elections will be posted at the district web site. The second notice – or a notice of no election – could then be posted on the district web page. This is the approached used for a state contract RFP.

Pros: (same as Option #1 above).

Cons: (same as Option #2 above).

Regardless of which option is chosen, districts are free (and encouraged) to publish both notices in multiple formats (newspaper, web, bulletin boards, newsletters, etc).

Issue #2 – Appointment Application Material Format and Deadline

Background:

Last year, a number of discrepancies with the deadline for full-term appointment applicants and conservation districts to return paper appointment applications to the Conservation Commission were identified. The Commission chose to resolve that issue by changing all appointment materials (the application form, provisions in the Election and Appointment Manual (EM), and other materials) to read "*applications and supporting materials must be received by the Commission no later than March 31.*" These clarifying amendments were explained to the conservation districts during the fall of 2013 for the 2014 election cycle. However, districts are still having trouble meeting the March 31 deadline. When districts miss the deadline, the procedure is for the Commission to work with the District to re-advertise the full-term vacancy or to seek applicants itself.

Currently, Commission full-term appointment application procedure requires paper applications to be mailed to the Commission headquarters no later than March 31. The appointment application requires an original signature from the applicant. Paper copies of advertisements for appointed vacancies are required to be submitted by the applicant (or by districts if they take possession of the application from the applicant) to the Commission.

However, election materials are to be retained by each District and only electronic copies are to be sent to the Commission. As a result, there is confusion among districts as to what materials need to be supplied in which format (electronic or paper).

Options:

Option #1: No change in current procedure. The appointment process would still require that appointment applicants and districts submit appointment materials by paper, with original signatures, by March 31, to Commission headquarters.

Pros: requires the applicant and districts to ensure the receipt of appointment applications by March 31 of each year, by mail or hand delivery, of the original application and signature; familiar.

Cons: relies on applicants and districts to abide by the deadline and to submit completed materials by hard-copy; original applications and materials processed by Commission staff.

Option #2: Change the appointment process to allow for electronic submittal of appointment materials and to allow for electronic signatures to be accepted. In other words, fill out the appointment application on-line (similar to the form used by Commission financial staff). The March 31 deadline would still be retained.

Pros: flexible; the Commission could act on appointed seat vacancies as they arise during the year, yet still retain the May Commission meeting as the date to appoint full-term appointees to open seats; allows for last-minute compliance with the deadline, reduces staff processing time and costs to districts; tracking records are controlled by the Commission; efficient processing of materials by Commission staff.

Cons: some applicants might need assistance in filling out the application on-line.

Option #3: Keep the March 31 deadline for full-term appointments but change the appointment process to allow for electronic submittal of appointment materials and to allow for electronic signatures to be accepted. In other words, the appointment application would be on-line and filled out by applicants throughout the year. Full-term appointments would have a March 31 deadline, but mid-term appointments could be accepted as they arise.

Pros: flexible; the Commission could act on appointed seat vacancies as they arise during the year, yet still retain the May Commission meeting as the date to appoint full-term appointees to open seats; reduces staff processing time and costs to districts; tracking records are controlled by the Commission; efficient processing of materials by Commission staff.

Cons: some applicants might need assistance in filling out the application on-line.

Policy on Policy Process

It is important to the agency and its constituents that a formal process is followed when developing agency policies. There are three steps that the Commission has adopted that staff intends to use for these policy issues (which would result in action at the July Commission meeting):

Step 1: Commission staff presents proposed Commission policy to the Commission and a regular or special meeting. The Commission is to review the proposal, make any changes, and approve the proposal for distribution to districts for comment.

Step 2: Districts will have a minimum of 45 days to review the proposal, providing sufficient time for the proposal to be considered at a district board meeting.

Step 3: Commission staff will receive all comments from districts, review the policy proposal in light of the comments, make any recommended changes based on the comments the Commission staff deem appropriate, and present the district comments and staff recommendations to the Commission for final approval.

Washington State
Conservation Commission

May 15, 2014

TO: Conservation Commission Members
Mark Clark, Executive Director

FROM: Lori Gonzalez, Administrative Assistant

SUBJECT: Conservation District Appointed Supervisor Applications

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This year there were 28 districts that have an appointed supervisor whose term expires on May 15, 2014. Each Conservation District advertised the upcoming vacancy to the public describing the process of applying. Applications were due into the Commission Office with original signature by the March 31, 2014 deadline.

The Commission received a total of 33 applications. Commission staff reviewed the applications for completeness, original signatures, and date received. All applications listed were received on or by the March 31, 2014 deadline. Procedures are then followed according the Election and Appointment Procedure Manual.

The applications were then sent for further review by Commissioner Larry Davis, elected representative for the southwest region, Commissioner Lynn Brown, elected representative in the central region, and Commissioner Clinton O'Keefe, elected representative for the eastern region. The Departments of Ecology and Agriculture were also send the list of names for vetting as well.

A recommendation will be given by each regional member for your consideration at our May 15 Commission Meeting in Kelso, Washington.

Below is a listing of the districts showing the incumbent, the names of the applicants, and the Commissioner vetting the applications. In some districts you will see multiple applicants for the one position.

Washington State
Conservation Commission

Applications for the Southwest Region
Commissioner Larry Davis

Conservation District	Incumbent	Name of Applicant
Clark	John Baugher	1. John Baugher
Cowlitz	Russell Kastberg	2. Russell Kastberg
Grays Harbor	Gary Waltenburg	3. Janet Strong 4. Gary Waltenburg
Jefferson County	Glen Huntingford	5. Glen Huntingford
King	Jeanette McKague	6. Jason Salvo 7. Jeanette McKague
Kitsap	Sharon Call	8. Sharon Call
Kittitas (Brown's District)	Lynn Brown	9. Lynn Brown
Lewis County	Robert Hayes	10. Robert Hayes
Mason	Michelle McCallum	11. David Mackey
Pacific	Allan Lougheed	12. Allan Lougheed
San Juan	Gerald Rasmussen	13. Gerald Rasmussen
Skagit	Wendy Pare	14. Wendy Pare
Wahkiakum	Wes Raistakka	15. Wes Raistakka
Whidbey Island	Thomas Fournier	16. Thomas Fournier

As of April 23, 2014

Washington State
Conservation Commission

Applications for the Central Region
Commissioner Lynn Brown

Conservation District	Incumbent	Name of Applicant
Adams	Curtis Hennings	17. Michael Broeckel
Benton	Nicole Berg	18. Nicole Berg
Central Klickitat	David Guenther	19. David Guenther
Grant County	Don Underhill	20. Dan Roseburg 21. Don Underhill
North Yakima	Arnold Swain	22. Arnold Swain
Okanogan	Jerry Asmussen	23. Jerry Asmussen
Palouse Rock Lake (O'Keefe's District)	Clark Miller	24. Erin Bailey 25. David C. Johnson
South Yakima	Dirk Van Slageren	26. Dirk Van Slageren
Underwood	Kelly Clothier	27. Kelly Clothier
Whatcom (Davis' District)	Joseph Heller	28. Joseph Heller

Applications for the Eastern Region
Commissioner Clinton O'Keefe

Conservation District	Incumbent	Name of Applicant
Asotin	Jerry Hendrickson	29. Jerry Hendrickson
Ferry	Patricia A. McKern	30. Patricia A. McKern 31. Elaine A. Preston
Pine Creek	James Fletcher	32. Brandon VanDalsen
Spokane	Thomas Miller	33. Thomas Miller

As of April 23, 2014

MEMORANDUM

DATE: May 5, 2014

TO: Commission Members
FROM: Larry Davis, West Region Commissioner

SUBJECT: Report on Appointed Supervisors Vetting- SW Region

This was a first-time experience for me. I was responsible for contacting 15 candidates for 13 district appointed position seats. In eleven of the districts, applications were limited to one candidate. In two districts, two candidates applied for the appointed position.

I was able to contact each applicant and their supplied references. In addition, as a professional courtesy, I called each board chair and district manager (unless that person was already identified as a reference.) [NOTE: in two cases, a district manager serves as DM for two districts.] All told I completed 43 phone calls and reviewed all application materials, including letters of reference.

I make the following recommendations regarding those districts for which only one candidate applied for the position. I recommend the Commission approve the appointment or reappointment of the named person for a three year term:

CONSERVATION DISTRICT	NAME OF CANDIDATE	APPOINT OR REAPPOINT
Clark	John Baugher	Reappointment
Cowlitz	Russell Kastberg	Reappointment
Jefferson County	Glen Huntingford	Reappointment
Kitsap	Sharon Call	Reappointment
Lewis	Robert "Chuck" Hayes	Reappointment
Mason	David Mackey	Appointment
Pacific	Allan Loughheed	Reappointment
San Juan Islands	Gerald Rasmussen	Reappointment
Skagit	Wendy Pare	Reappointment
Wahkiakum	Wes Raistakka	Reappointment
Whidbey Island	Tom Fournier	Reappointment

Based on all input, I make the following recommendations regarding the two districts for which two candidates applied for the position:

CONSERVATION DISTRICT	NAME OF CANDIDATE	APPOINT OR REAPPOINT
Grays Harbor	Gary Waltenburg	Reappointment
King	Jason Salvo	Appointment

I pass along four comments from the phone calls that may be of interest:

- One incumbent candidate believes that the farm plan form/process for small farms should be simpler than that for commercial operations.

- A board chair would like to see a consistent allocation system. Whatever is developed, stick with it for awhile. That would serve districts.

- One incumbent candidate believes that CDs should consider looking at the comprehensive plans of the cities in the county, and make a determination if there is one or more aspect to the particular plan with which the conservation district might help.

- One incumbent candidate feels more landowners might be encouraged to participate in programs if there was a way (or better way) to show them that they will realize an increase in their bottom-line in exchange for their investment of time to do paperwork (farm plans aren't the only paperwork requirements by the various levels of government).

I have some thoughts about potentially improving the application form and will share first with staff for feedback.