



CONSERVATION COMMISSION MEETING PACKET

MAY 2015

TAB 1



PRELIMINARY MEETING AGENDA
May 21, 2015

TIME	TAB	ITEM	LEAD	ACTION/INFO
8:30 a.m.		Call to Order <ul style="list-style-type: none"> Additions/Corrections to Agenda Items 	Chair Clinton O'Keefe	
8:40 a.m. 40 minutes		Introductions/Comments Partnership Reports <ul style="list-style-type: none"> Agency updates 	All All	
9:20 a.m. 30 minutes		Tribal Partnerships with District <ul style="list-style-type: none"> Yakama Nation: Phil Rigdon, Yakama Nation Deputy Director 		
***** PUBLIC COMMENT WILL BE ALLOWED PRIOR TO ACTION ITEMS *****				
9:50 a.m. 10 minutes	2	Consent Agenda <ul style="list-style-type: none"> Approval of the WSCC March 19, 2015 Meeting Minutes <i>(pgs. 6-10)</i> Approval for Executive Director to attend: <ul style="list-style-type: none"> July 20-24 Multi State Tour & Summit, Idaho <i>(pgs. 11-13)</i> September 28-30 NASCA Annual Meeting, Corpus Christi, Texas <i>(pg. 14)</i> 	Mark Clark	Action
9:55 a.m. 35 minutes	3	District Operations <ul style="list-style-type: none"> Regional Manager Report <i>(pgs. 16-20)</i> Good Governance <i>(pgs. 21-24)</i> Technical Work Group Update <i>(pgs. 25-37)</i> 	Bill Eller Bill Eller James Weatherford	Information Information Information
10:25 a.m. 10 minutes		BREAK		
10:40 a.m. 40 minutes		Guest Updates <ul style="list-style-type: none"> Soil Health Committee Presentation by: Roylene Rides at the Door, NRCS and Gary Farrell, Co-Chair, WA Soil Health Committee Farm Smart Pilot Project: Harold Crose and Ty Meyer, Spokane CD Local Working Groups, SRA and Energy Technical Capacity Update: Harold Crose and Roylene Rides at the Door 		
11:20 a.m. 40 minutes	4	Policy/Programs <ul style="list-style-type: none"> CD Elections & Appointments <i>(pgs. 39-62)</i> 	Bill Eller	Action

12:00 p.m.
30 minutes

LUNCH PROVIDED- please RSVP by May 12 to the Commission

***** **PUBLIC COMMENT WILL BE ALLOWED PRIOR TO ACTION ITEMS** *****

12:30 p.m.
45 minutes

4

Policy/Program Continued

- CD Elections and Appointments (cont'd) Bill Eller **Action**
- Legislative Updates Ron Shultz **Information**
- Policy Updates Ron Shultz **Information**
- Strategic Planning Session Update Mark Clark **Action**
 - SCC Mission Statement (*pgs. 63-64*) Laura Johnson **Action**

1:15 p.m.
60 minutes

5

Budget

(As soon as the Legislature and Governor approve the state budget, SCC's Budget & Grant allocations will need to be completed during a Special Meeting)

- WSCC Financial Report Debbie Becker **Information**
 - Update on New Forms
- Grant & Contract Procedures Manual Adoption (*pgs. 66-75*) Debbie Becker **Action**
- Update on End of Biennium Allocations Debbie Becker **Information**
- Non Shellfish Funding Update / Program Policy Recommendations Debbie Becker **Action**
- Shellfish Funding Update / Program Policy Recommendations Ron Shultz **Action**
- WACD Contract Mark Clark **Action**

2:15 p.m.
30 minutes

6

Commission Operations

- Review remaining 2014 WACD Resolutions (*pgs. 78-84*) Alan Stromberger/ Mark Clark **Action**
- Upcoming Events (*pg. 85*) Mark Clark **Information**
 - July 11-13 NACD Summer Meeting, Spokane
 - July 15-16 CC Meeting, Vancouver
 - July 20-24 Multi State Conservation Tour, Idaho

2:45 p.m.
15 minutes

BREAK

3:00 p.m.
30 minutes

Executive Session to discuss personnel matters as allowed by RCW 42.30.110 (1)(i).

3:30 p.m.

Adjourn

Chair Clinton
O'Keefe

NEXT MEETING:

Conservation District Tour **hosted by Clark Conservation District** will be on July 15, 2015, and the **Conservation Commission Regular Business Meeting** will be held on July 16, 2015 at the Heathman Lodge in Vancouver, Washington.

TAB 2

Washington State Conservation Commission Regular Business Meeting

DRAFT

Lacey, Washington

March 19, 2015

The Washington State Conservation Commission (Commission/WSCC) met in regular session on March 19, 2015, in Lacey, Washington. Chair, Clinton O'Keefe called the meeting to order at 8:30 a.m.

COMMISSIONERS PRESENT

Clinton O'Keefe, Chair, East Region
Lynn Brown, Vice Chair, Central Region
Dean Longrie, West Region
Lynn Brown, Central Region
Jim Peters, Member
Lynn Bahrych, Member
Jim Kropf, WSU-Puyallup
Perry Beale, Dept. of Agriculture
Kelly Susewind, Department of Ecology (DOE)
Todd Welker, Department of Natural Resources
Alan Stromberger, President, WA Association
of Conservation Districts (WACD)

COMMISSION STAFF PRESENT

Mark Clark, Executive Director
Debbie Becker, Finance Director
Ray Ledgerwood, District Operations Manager
Ron Shultz, Policy Director
Sarah Groth, Financial Staff
Bill Eller, South Central Regional Manager
Lori Gonzalez, Administrative Assistant
Laura Johnson, Communications & Outreach
Larry Brewer, Southeast Regional Manager
Alicia Johnson, Administrative Staff
Brian Cochrane, CREP Coordinator

PARTNERS AT THE TABLE REPRESENTED AT THIS MEETING

Roylene Rides-at-the Door, State Conservationist, Natural Resources Conservation Service (NRCS)
Dave Vogel, Executive Director, WACD

GUESTS ATTENDED

Jeremiah George, Squaxin Island Tribe, Phyllis Barney, Attorney General's Office, Cynthia Wilkerson, DFW, David Hall, Thurston CD, Treacy Kreger, Thurston CD, Jim Goche, Thurston CD, Aileen, Thurston County resident, Sherre Copeland, NRCS, Mark Craven, Vice President, WACD, Robin Slate, NRCS, Julie Henning, DFW, and Mr. Buckingham, Thurston CD.

CONSENT AGENDA

Motion by Commissioner Bahrych to approve the January 15, 2015 Meeting Minutes. Seconded by Commissioner Beale. Motion passed.

AGENCY PARTNERSHIP REPORTS

Todd Welker, DNR, reported the department allocated a total of \$138,000 to four conservation districts. DNR received a total of seven proposals. Projects need to be completed and billed to DNR by June 30.

Roylene Rides at the Door, NRCS, reported that Northeast WA was one of the project sites selected out of 15 nationwide for the Chief's Joint Landscape Restoration Partnership. NRCS was awarded \$1.5 million for the projects. NRCS now has a balanced budget coming in. This is a very good thing due to good partnerships, as it has paid off very well. Roylene also reported Technical Note 14 is ready to go live. NRCS staff, Bonda Habets will be meeting with all of their partners before posting.

Lynn Bahrych, member and Chair of the Soil Health Committee, will be meeting with the Washington Environmental Council's (WEC) campaign director to talk about ways the State Conservation Commission (SCC) can coordinate efforts in forest health. Their campaign is focusing on private forest land. The NRCS Joint Chiefs' project

would tie in well. Ms. Bahrych has been working with a convention center in Victoria for an exhibit on forest soil for grades k-12 here in Washington.

Mark Clark, SCC Director reported about his recent trip to Washington, DC with SCC Policy Director, Ron Shultz. They were able to meet with several members of congressional staff. They also met with staff from FSA, NRCS, OMB, NOAA, EPA, Jeremy Peters, CEO and Ted Ramsey of NACD, as well as Sam Ricketts, representative in DC from the WA State Governor's Office, focusing on several issues and highlights of the conservation work being done in our state. It was nice to have WACD and NRCS there to meet jointly in several meetings, representing the Washington partnerships.

Alan Stromberger, WACD, President, announced their Legislative Days scheduled in downtown Olympia the week of March 23. Several districts have made appointments with their legislative members.

Dave Vogel, WACD, Executive Director, also highlighted their trip to Washington, DC and was also accompanied by Tanna Engdahl, WACD member and Tribal representative. This was also the first year the entire partnership was able to go together.

LEGISLATIVE UPDATES

Ron Shultz, SCC Policy Director, provided Commission members with a report on three bills and key legislation directly impacting the SCC at this time.

Food Policy Forum Legislation: SHB 1685: The bill has the Commission and the Executive Director to form a Food Policy Committee. The SCC would create the forum in which state food policy, food related programs, and food related issues can be examined, improved, and better integrated. SCC's estimated cost to staff the forum and conduct this work was submitted at \$100K for the biennium. Testimony was in support of the bill as function and facilitating the process. This bill requires the Forum to make a recommendation to the Legislature, transmitted through the SCC, by October 31, 2016.

Addressing rates and charges for conservation districts SSB: 5322: This bill increases the allowable per parcel amount for King CD would be from 10\$ to \$15; and for Snohomish, Pierce, and Spokane CD, the amount is raised from \$5 to \$10. Two people commented in support, and a Pierce County Senator was opposed to this bill.

Creating demonstration projects for preserving agricultural land and public infrastructure in flood plains. SSB 5347: This bill came up last year and had the SCC in the role as convening a stakeholder group with the departments of Agriculture, Natural Resources, Ecology and Fish and Wildlife, plus local and statewide agricultural organizations, tribes, land conservation organizations, and local government to develop and assess three demonstration projects, one in Whatcom Co., one in Snohomish Co., and the other located in Grays Harbor County.

The SCC fiscal note requests \$166,716 for our agency activities on this legislation.

Manure Legislation: No manure legislation this year, the bill has died. There is a budget proviso for the WSDA to implement a Nutrient Management Program. WSDA is to establish an accreditation program. The department is to identify with other agencies on gaps in the rules and the laws. This group has also been working with Nichole Embertson from Whatcom CD.

POLICY UPDATE

Governor Inslee recently declared a drought. There is a great deal of concern in the Upper Peninsula with less than 10% snowpack. In the supplemental budget there is a request for \$ 1 million for drought response and increases for the next year. A WA SNOTEL map was shown to the Commissioners of the areas that would be seriously affected

due to the low snowpack levels. Mr. Shultz also stated this is probably the most serious prediction in the last 30 years.

SCC staff, Jon Culp and Director Clark participate in Ecology's Water Supply Availability Committee (WSAC) that helps make recommendations on whether water supply conditions are likely to be less than 75 percent of normal. If so, the Emergency Water Executive Committee (EWEC) can then make a hardship call and recommend to the Governor's Office that a drought be declared. The EWEC will be meeting again in April. Recent discussions regarding the Puget Sound area is that they have sufficient capacity to serve citizens in those municipalities.

Farmland Preservation Indicator Report, Josh Giuntoli has worked with Department of Ag, and Laura Johnson, SCC Communications staff on the key messaging pieces within this report. They will continue to work together and the Governor's Office on how we can work together.

Non Point Plan Update: The SCC has been working with WACD in developing informational materials to districts regarding Ecology's update of the state's non point plan. SCC recently held a Webinar with Water Quality staff and the districts. The material provided in the meeting packet has a briefing paper that was developed for CDs. To date, there were five districts that provided comment. Draft plan to be developed this spring. Public comment period to begin and then report will be sent to EPA by the end of June 2015, or loss of federal funding will happen. ECY and SCC continue to work with Dave Vogel of WACD.

Recreation Conservation Partnership Program: There were five areas of the state that were approved for funding. Critical Conservation areas; there were eight proposals submitted total and two from WA were accepted; one proposal in the Yakama and the other in the Palouse, which has seven districts in that area. All of the details on these proposals had to be submitted to the state office by Friday, March 13th including the budget. The Puget Sound proposal, the Commission is the lead along with the Nature Conservancy. Three action areas were identified: Thomas Creek, Skokomish, and the Newaukum watershed. The Newaukum is also a part of the Coordination Investment discussions.

PUBLIC COMMENT

Treacy Kreager, Thurston Conservation District board member provided comment of his concerns regarding the election issues at his district. Mr. Kreager discussed a recent motion approved by the majority of the board at his district board meeting to set forth a letter asking to re-do their election. He has spoken to the County Auditor and states they are willing to work with the district in polling and possibly issuing the absentee ballots from the courthouse.

Director Clark told Mr. Kreager that our elections officer, Bill Eller will provide a thorough report once he has had a chance to review all letters and information received at the May Commission meeting in Ellensburg.

Jim Goche, described himself as a small family farmer and the most junior Thurston Conservation District board member, provided comment on how extremely impressed he is by the work of the conservation districts around the state and gave appreciation to the Conservation Commission. He brought up to Commission members a few items for their consideration in regards to district elections, and hopes for the SCC to take a look and try to reform them.

CONSERVATION DISTRICT ELECTIONS

Bill Eller, SCC Elections Officer provided a brief update on the recent status of the conservation district elections. Last year, SCC had problems with districts complying with the procedures, one specifically, was not getting the necessary information to the Commission on time. This year, Mr. Eller reported the SCC has received all 45 CD's forms on time. 30 districts had their incumbents automatically re-elected. SCC staff have been able to observe six

elections to date. Mr. Eller is still receiving and compiling information for a full report at the May Commission meeting in Ellensburg, Washington.

Mr. Eller provided detailed information for members in their meeting packets regarding four districts who had election issues. Mr. Eller will look into the issues of these elections and will provide a full report for action at the May Commission meeting.

CULTURAL RESOURCES:

Mr. Brewer, SCC staff highlighted the significant changes made to the draft Cultural Resources Policy after the Commission directed the districts and other agencies be provided the opportunity to comment. Mr. Brewer reported 11 people submitted comments. All 11 thought the policy was reasonable. Several districts were concerned with the cost for staffing to do the reviews. Districts and others were in agreement for no changes to the flow chart presented.

WSSC will be putting a list together of professional archeologist as a resource.

Motion by Commissioner Brown to approve the Cultural Resource Policy as presented with the suggested edits. Seconded by Commissioner Longrie. Motion passed.

This policy will take effect for practices completed after July 1, 2015.

DRAFT GRANTS PROCEDURE MANUAL

Debbie Becker, SCC Finance Director provided a current draft copy of the Grants Procedure Manual. SCC publishes grant and contract guidelines for conservation districts and partners when funding is received through SCC appropriations. The guidelines are necessary in describing the role of the contract, reimbursable expenses, expected contract compliance, getting paid, as well as a number of other components.

The current set of guidelines for grants and contracts was issued in 07-09. The draft version is a re-organization and re-write of the document for the purposes of addressing updated requirements of SCC, state and federal law, and any new or unique situations impacting conservation districts since the 07-09 version.

Motion by Commissioner Brown to authorize the proposed Grant & Contract Procedure Manual to follow the Commission members adopted Policy on Policies, and be sent to conservation districts for the 45-day review period. All comments and concerns would be presented to Commission members during the May 2015 meeting, with the anticipated adoption date of July 1, 2015. Seconded by Commissioner Longrie. Motion passed.

DISTRICT FUNDING NEEDS

Ms. Becker walked the Board through the data submitted by the conservation districts on what their current needs are as of March 18, 2015. Ms. Becker stated the SCC has about \$400K to distribute now through June 30. The Commission members agreed for the executive committee to work with Ms. Becker on how to distribute the extra funding to the districts by priority need.

ADVANCE PAYMENTS

Ms. Becker provided Commission members a draft Advanced Funding Policy for districts to be able to have cash advances, that would not be more than 50% of their total request.

For all conservation districts requesting an advance under this policy, the following would apply:

- Advances may not exceed 50 percent of the balance of the SCC share of the awarded funds in the grant agreement and may be restricted to less than that amount.

- Advances are not automatically granted. SCC may decline any request it deems necessary to ensure the integrity of the program.
- SCC reserves the right to inspect the conservation district records on any advance, at any time.
- The request for an advance shall be signed by the district manager or chair.

The Commission made the following motion regarding the proposed policy:

Motion by Commissioner Brown to adopt the proposed policy with the executive director deciding each case, effective March 19, 2015. Seconded by Commissioner Welker. Motion passed.

SCC Compensation Rate

SCC staff developed an electronic compensation form to ease effectiveness of processing for both the district and the Commission financial staff.

Financial Report

Ms. Becker walked through the agency budget with Commission members. In the next 90 days, districts have several million dollars to spend. A bar graph was presented showing where the districts currently are in spending; some are considerably under. SCC staff will be carefully watching these districts.

May Strategic Planning Meeting

Director Clark reminded members about the strategic planning session scheduled for our next meeting in May. SCC staff will be conducting sensing interviews with each member, to help guide the direction of the meeting design. Status updates for the strategic areas submitted by members in 2014 will be provided by staff in the upcoming weeks. As the SCC builds on the 2015 strategic areas, having strategic work sessions throughout the year to continuously work on them, could be a consideration. Mr. Clark requested each member to review the current strategic plan on the Conservation Commission's website.

Meeting adjourned at 3:27 p.m.



May 21, 2015

TO: Conservation Commission Members

FROM: Mark Clark, Executive Director

SUBJECT: Attendance at the Multi State Conservation Summit July 20-24 in Idaho

Summary: A multi state tour and meeting is currently being coordinated by the Executive Director of the Idaho Soil and Water Conservation Commission (ISWCC).

Action Requested: Seeking approval for Executive Director and WSCC Chair attendance.

Staff Contact: Mark Clark, Executive Director, email: mclark@scc.wa.gov

SCC members are encouraged to attend if available to meet and network with other Commission members from our neighboring states. If you are available to attend the multi state conservation tour and meeting, please contact Lori no later than June 1st at lgonzalez@scc.wa.gov or 360-407-7417.

Following this memo is an email from Terri Murrison, ISWCC, Executive Director, outlining the events for the week of July 20-24.

Hi,

As many of you have heard, the Commission is having a multi-state Conservation Summit in Boise on July the 24th and a southern Idaho projects tour the week of July the 20th. So far we have firm commitments from Commissions in Oregon and Washington to attend. Montana and Utah have indicated that they would like to attend. We have commitments from EPA (DC – Ag Counsel Ron Carleton for at least a few days, Allison Wiedeman; Region 10, and Idaho officials), as well as from our Departments of Agriculture, and Environmental Quality. Below is the draft agenda.

Here are a few details:

- **Transportation:** Beginning on the 20th, we will tour projects via carpool (possibly a van for folks who fly in on the 20th) possibly a bus for our whole group on the 21st, and for sure a bus on the 23rd
- **Hotels:** See below for hotels (in Lava Hot Springs, Pocatello, and Boise) and contact info. We have a block held at each hotel until 7/1.
- **Conservation Summit:** On the 23rd, we will be touring sites in the greater Boise region. On Friday the 24th, we will convene the 5-state conservation summit where we will focus on water quality and voluntary conservation. We hope to have the Governor and/or Lt. Governor in attendance. After lunch, we will have a 3-5 state joint commission meeting and be done by 4 pm.

I'd love to have a headcount from everyone by June 1st for planning purposes, if possible. I'll be sending you a survey request under separate cover – please complete it as soon as possible.

Make your hotel reservations directly where indicated in yellow, below. Again, our block will be held until July 1st.

Please let me know if you have questions/suggestions.

I'm looking forward to seeing you all!

Teri

Teri Murrison, Administrator
Idaho Soil and Water Conservation Commission
650 W. State Street, Room 145
Boise, Idaho 83720
208-332-1790 Phone
208-258-4752 Cell Phone
208-332-1799 Fax
Teri.Murrison@swc.idaho.gov
www.swc.idaho.gov



SOIL & WATER
CONSERVATION COMMISSION

Date	Activity	Comments/Responsible Persons	Hotel/Meals
Mon., July 20	<p>Arrive Lava Hot Springs by 6 pm for evening BBQ</p> <p>Hot springs available http://www.lavahotsprings.com/</p>	<p>Each agency arrange own participants' transportation and lodging – for those flying in to SLC without vehicles, please contact Teri</p> <p>Chris Banks/districts - BBQ</p>	<p>Lava Hot Springs – Home Hotel, 208-776-5050 Kathy (http://www.homehotel.com/)</p> <p>20 rooms blocked off under "Conservation Commission" @ \$92/nt., release rooms on 7/1, please book directly</p>
Tues., July 21	<p>Lava Hot Springs – leave @ 8 am, tour projects in Whiskey Creek/Bear River area</p> <p>Lunch in park, arranged by Chris Banks</p> <p>arrive Pocatello by 6 pm</p>	<p>Chris Banks, Allan Johnson, Lynn Van Everi, , and, keep Curt, Barry in loop</p> <p>Teri to distribute draft itin to EPA/DEQ</p>	<p>Pocatello – Holiday Inn Express, 200 Via Venitio (up the hill from Hampton Inn. 208-478-9800</p> <p>20 rooms blocked off under "Conservation Commission" @ \$83/nt., release rooms on 7/1, please book directly</p>
Weds., July 22	<p>Pocatello (8 am depart) – Boise (by 6 pm),</p> <p>lunch @ Farmhouse Restaurant in Wendell</p> <p>possible sites – ARS/Uofl research facility (Kimberley), Nitrate priority area sites?, Howard Niebling (extension), Twin Falls Canal Co., others?</p> <p>Dinner on own?</p>	<p>Carolyn Firth @ Commission and DEQ/ISDA regional folks develop draft itinerary (Sunny Boohider), Brian Oakey/Chenel? ISDA/CAFO site???</p> <p>Dave Bjornberg (ARS) possible site</p>	<p>Farmhouse – 208-536-6688</p> <p>Stephanie Otero reserved 1:00 pm for 20-30 – fixed menu – chicken fried steak, vegetarian option, Basque Bread, separate checks, Commission to notify Farmhouse # 7 days ahead,</p> <p>Hotel in Boise SpringHill Suites Boise ParkCenter for 83.00 USD per night</p> <p>Book your group rate for Conservation Commission</p> <p>– Last day to book: 7/1/15</p>
Thurs., July 23	<p>Boise Bus tour – 8 am – 4 pm</p> <p>Possible sites – Dixie Drain, EQIP drip projects (mint, etc.)</p>	<p>Work with DEQ Lance Holloway to develop draft itinerary (Dixie Drain, Parma, drip systems on mint – NRCS, etc.). Make sure to contact Steve Burgos @ City of Boise, Watershed group</p>	<p>Boise</p> <p>Dinner – all?</p> <p>Sponsors?</p>
Fri., July 24	<p>Boise Conservation Summit (Zion's Bank Building)</p> <p>8:30 Registration 9:00 – 4:00 PROGRAM</p> <p>Lunch</p> <p>Afternoon – Joint Board meeting with OR, WA, UT, MT, IASCD, Districts</p> <p>EPA on own (sidebar meetings w/ISDA, etc.)</p>	<p>Teri to set up</p>	<p>Registration fee - \$15/per person to cover lunch</p>



May 21, 2015

TO: Conservation Commission Members

FROM: Mark Clark, Executive Director

SUBJECT: Attendance at the National Association of State Conservation Agencies (NASCA) Annual Meeting

Summary: The National Association of State Conservation Agencies is holding their Annual Meeting in Corpus Christi, Texas September 28-30, 2015. As a member of the association, participation at this meeting would be beneficial to the Commission and to NASCA.

Action Requested: Seeking approval for Executive Director and WSCC Chair attendance.

Staff Contact: Mark Clark, Executive Director, email: mclark@scc.wa.gov

TAB 3

May 2015 Commission Meeting

District Operations Staff Report (March 2015 to May 2015)

Conservation District Assistance

Activities included:

- Supervisor election and appointment assistance (Ferry, Thurston, Whatcom, Pend Oreille, Wahkiakum, Franklin, Spokane, Cowlitz, Skagit, Benton, Lewis, Mason, Stevens, Whitman, Kitsap, Columbia, and Pacific)
- Land owner contacts (Grays Harbor, Pacific)
- Good Governance self-assessment, Schedule 22, Internal audit, year-end funding request assistance (all districts)
- Long Range Planning assistance (Ferry, Clark)
- Open Government training assistance (all districts)
- District operation's needs, hiring process for district manager (Pend Oreille, Jefferson)
- Personnel management assistance (Asotin County, Clark)
- Audit conferences & assistance (Mason, Lewis, Lincoln County)
- Prevailing wages (Lincoln)
- Light refreshments (Lincoln)
- Resolutions template (Central & Eastern Klickitat)
- EWP agreements & procedures (Okanogan)
- Project site visits & implementation monitoring (Palouse, Grant County, Spokane, Lincoln County, Cascadia)
- Annual Planning assistance (Underwood, Palouse, Whidbey Island, Palouse Rock Lake)
- Good Governance assistance (Pacific, Underwood, Wahkiakum, Palouse)
- Lead entity paper (North Yakima)
- Cost share issue (Adams)
- See Listing on page 6 for summary of Regional Managers in-person assistance and follow-up with Conservation Districts

Looking Ahead

- Good Governance District Assistance
- District Capacity Building Assistance
- District Operations Issues Resolution Assistance
- Orientation & Open Government Training of new Supervisors
- CPDS & Project Development
- Sharing of Examples, Templates, Information

Supervisor Elections:

Bill Eller continued investigations into Thurston and Whatcom CD elections and responded to many emails and phone calls related to both elections. Bill provided information to local Whatcom County media ("Whatcom Watch"). Bill processed election forms, and answered elections and appointment related questions from districts throughout the state including work on problematic elections in Skagit, Benton, Franklin, Lewis, Mason, Stevens, Whitman, Kitsap, Pend Oreille, Spokane, Ferry, Wahkiakum and Columbia CD elections and appointment process as well as continued to work on many related issues. For more information contact [Bill Eller](#)

Supervisor Appointments:

Bill Eller, Alicia Johnson, and Lori Gonzalez have been working on receiving and logging the Appointment applications for District Supervisor positions. 30 applications were turned in by the March 31st deadline to be followed up on by the area CC members. Alicia prepared each area member's packet to be sent for them to evaluate the suitability and capability of these applicants to report out their recommendations at the May Commission meeting. 4 districts had candidates that turned in their supervisor appointment applications after the deadline, and 5 districts that have no appointment candidate's applications. For more information contact [Alicia Johnson](#) or [Bill Eller](#)

Shellfish Growers & Cranberry Growers Project Activity:

Butch Ogden has been contacting cranberry growers and shellfish growers to get signatures on cost share agreements that would start work on the chemigation units and crib and cover funded from the shellfish acct. Butch and district staff worked with land owners in the Grayland area & long beach. Butch attended the spring cranberry workshop put on by Dr. Kim Patton WSU extension and Ocean Spray, and spoke about the chemigation program and brought up the idea of helping in the future with IPM and IWM programs with the district and NRCS. Butch Ogden and Pacific CD staff inspected and approved 7 chemigation units in Grayland area. This brings the total finished to 8 and about 10 more will be done this reporting period. These units are being installed in a very professional manner and look great and work well. For more information contact [Butch Ogden](#)

Local Work Groups:

Ray Ledgerwood chaired the 5.5.15 CRM Task Force in-person meeting. Topics included updates on 7 CRMs being assisted at this time, planning for the CRM Executive Committee Meeting and Tour scheduled for September 22 & 23, data system for tracking status of CRMs across the state, potential VSP facilitation needs and related training and funding needed. Ray worked with NW Local Work Group on 4.30.15 work session that concentrated on potential funding sources for project applications that will not be funded with NRCS EQIP funding. The group decided to begin with 20 fish passage project applications to summarize and seek funding. Stu Trefry facilitated the 4.21.15 meeting of the Southwest Local Work Group. Shana Joy facilitated the 4.7.15 meeting of the Puget Sound Local Work Group. Ray Ledgerwood facilitated the 4.7.15 Tribal Local Work Group meeting. The Tribal LWG conservation priorities identified were; Inadequate habitat for fish & wildlife (sub-category resources concerns on all land uses, include aquaculture), Water quality degradation (sub-category resources concerns on all land uses), Degraded plant condition (sub-category resources concerns on all land uses), Inefficient irrigation water use (sub-category resources concerns on all land uses). Ray also facilitated the 3.31.15 NW Local Work Group meeting. The NW LWG conservation priorities identified were; Soil Health, Water Quality (Nutrient Management & Pathogens), Private Forest Land Management & Forest Health, Degraded Plant Condition & Invasive Species, (included in above), Forest and Farmland Protection & Productivity, Fish Passage, Fish & Wildlife Habitat & Wildlife & Farm Interaction Flooding & Drainage & Water Quantity, Human Resources (in all the above). Ray facilitated the 4.1.15 NE Local Work Group meeting. The NE LWG conservation priorities identified were; Forest Health, Water Quality, Range Conditions, Water Quantity Issues, Pasture Conditions, Wildlife Habitat Enhancement, and Soil Health. Ray facilitated the 3.10.15 West Palouse LWG work session. The West Palouse LWG identified the resource issues and potential projects without regard to funding source and will summarize the non-funded applications for EQIP and ask agencies and organizations to consider funding those that match the organizations or agencies programs. Ray Ledgerwood facilitated the first Local Work Group session for FY16 planning with a 3.4.15 Snake River LWG. The Snake River LWG will summarize the non-funded applications for EQIP and ask agencies and organizations to consider funding those that match the organizations or agencies programs. For more information contact [Ray Ledgerwood, Stu Trefry, & Shana Joy](#)

Tribal Outreach and Partnership Seminar & Training:

Regional Managers participated in the Tribal Outreach Task Force Seminar and training on 4.28 & 29 at Kiana Lodge in Poulsbo. For more information contact [Stu Trefry](#)

Washington State Forest Stewardship:

Butch Ogden represented the commission on the Washington State Forest Stewardship Coordinating Committee Meeting. For more information contact [Butch Ogden](#)

Quick Notes:

Stu Trefry completed the April and May versions of Quick Notes for distribution and use by all conservation districts. For more information contact [Stu Trefry](#)

CRM Task Force:

Ray Ledgerwood chaired the 5.5.15 CRM Task Force in-person meeting. Topics included updates on 7 CRMs being assisted at this time, planning for the CRM Executive Committee Meeting and Tour scheduled for September 22 & 23, data system for tracking status of CRMs across the state, potential VSP facilitation needs and related training and funding needed. For more information contact [Ray Ledgerwood](#)

Whatcom CRM:

Ray Ledgerwood facilitated the 4.17.15 work session for the Whatcom CRM that includes six Watershed Improvement Districts, Whatcom County Public Health, Dairy Federation, and Whatcom CD working together on a water quality monitoring program and assistance to land owners with known pollution issues identified in the program. For more information contact [Ray Ledgerwood](#)

Wilson Creek CRM:

Ray Ledgerwood facilitated a public meeting on 3.27.15 on the development of a mosquito control plan for Wilson Creek area. An area where Wetlands Reserve Program activity has occurred over the past few years. Ray also facilitated a 4.21.15 work session of a newly forming stakeholder group for addressing mosquito control in the Wilson Creek area. 25 individuals volunteered their time to serve on the stakeholder group. Six areas were selected to work on by the group with the first activities focus on developing a plan for mosquito trapping and larvae collection, training for citizen volunteers, contacting a hydrologist to assist the group with background...looking at water flow, catchment and impact on mosquito habitat. For more information contact [Ray Ledgerwood](#)

Supervisor Training:

A small group representing WSCC, WACD, WADE, and WCS held a net meeting this reporting period to continue discussions on Conservation District Supervisor Training. The group is discussing a three-phase supervisor training program. The first phase would be coordinated by the basic education which would be primarily delivered online through a series of modules. Lead: WSCC. The second phase, which is still being envisioned, would be leadership development for those supervisors interested in serving in leadership positions at the state level. Lead: WACD. The third phase would be continuing education which would be delivered in multiple ways in an ongoing combination of in-person and online opportunities. For more information contact [Stu Trefry](#)

Partners in Preparedness:

Bill Eller presented, along with Craig Nelson of Okanogan CD, a presentation on Districts and Disasters for the 2015 Partners in Preparedness Conference (PIP). We presented during a break-out session on the Carlton Complex Fire and how the Commission and Districts can and should be part of the recovery efforts for such disasters. For more information contact [Bill Eller](#)

Eastern Klickitat:

Bill Eller assisted Eastern Klickitat CD personnel with coping with the loss of Supervisor Mike Copenhefer. Mike passed away suddenly this spring. EKCD also suffered another blow when one of their other supervisors, Ron Juris, seriously injured himself, the same week. We sent condolences to Mike's family and wish Ron a quick recovery. For more information contact [Bill Eller](#)

Ag Forestry Leadership Program:

Dave Roseleip, President of the Washington Agriculture and Forestry Education Foundation, is retiring after 30 years of service. Senators Schoesler and Parlette, two graduates of that program, sponsored a Senate Resolution and reception honoring Dave on Friday Morning. AgForestry graduates Stu Trefry and Karla Heinritz participated. For more information contact [Stu Trefry](#).

Spokane Watersheds:

Ray Ledgerwood facilitated the 4.1.15 work session for the Spokane area WRIs working group. The group developed goals, used a Goals Grid for determining what they want to achieve, avoid, preserve, and eliminate through their work. The group also developed a purpose statement and discussed organization structure needed. For more information contact [Ray Ledgerwood](#)

Good Governance:

Commission Regional Managers and Financial Staff met to complete a 'first look' at Good Governance status of the 45 Conservation Districts on each of the 24 elements of the Good Governance checklist. This 'first look' provided information for staff follow-up this spring with districts that had 'opportunities for improvement'. For more information contact [Ray Ledgerwood](#)

Emergency Management:

Bill Eller developed and submitted the quarterly ICOOP report to EMD and responded to and submitted a communications survey related to the State EOC and the Commission, in the event of a catastrophic earthquake. For more information contact [Bill Eller](#)

Carlton Complex:

Bill Eller reviewed and edited an agreement between Okanogan CD and their local weed board for Carlton Complex Fire restoration work and worked with supervisors and staff of Okanogan CD on contracting issues related to the on-going Carlton Complex Fire recovery work. Bill coordinated with Craig Nelson, Okanogan CD, on a Partners in Emergency Preparedness Conference presentation on the Carlton Complex Fire. Bill also coordinated with NRCS and Okanogan CD staff on a conference call on the EWP program for the Carlton Complex Fire recovery. Reviewed Commission cost-share templates for use. NRCS's EWP program has \$400,000 available for continued EWP erosion control work, so Okanogan CD is looking to work through its backlog of landowners who would like to erect erosion control structures on their property. They hope to complete the work by May 2015. For more information contact [Bill Eller](#)

Districts and Disasters Workgroup:

Bill Eller hosted the Districts and Disasters Workgroup webinar this reporting period. The sub-committees continue to work on their assignments. They decided that a White Paper will need to be done to give districts direction in training for disaster response and recovery (Bill will be the lead on that). The next meeting of the D&D Workgroup will be in-person during WADE at Sleeping Lady, Monday, June 15, at 7 pm at the Salmon Gallery. For more information contact [Bill Eller](#)

Pandemic Flu Seminar:

Bill Eller attended, on Mark Clark's behalf, the Washington State Department of Health and the Washington Military Department's Pandemic Flu Seminar and Tabletop Exercise. The exercise was held during the same day as WACD Legislative Days. The exercise engaged policy level leaders in a dialogue of issues that need to be addressed. These issues will help prepare the State not only for pandemic flu, but for other infectious diseases. Governor Inslee stopped by to encourage our work during the exercise. For more information contact [Bill Eller](#)

RCPP – WRIA 34:

Ray Ledgerwood met on 3.26.15 with the WRIA 34 RCPP Partnership regarding the budget, scope of work, and procedures discussion. They are awaiting a final draft of the RCPP agreement including scope of work and budget. For more information contact [Ray Ledgerwood](#)

Technical Services:

Larry Brewer began working part time under Ray Ledgerwood on some specific Commission tasks. One of his initial tasks will be helping to develop and implement the Commission's and Districts' Cultural Resources Program. In addition, Larry will assist the Commission and Districts with technical development related to Conservation Planning and BMP implementation. Larry's contact is lbrewer@scc.wa.gov or he may be contacted through Ray Ledgerwood. For more information contact [Ray Ledgerwood](#)

WSU Interns:

Work continued during this reporting period on a white paper with WSU leaders for development of an internship program for WSU students working in conservation districts. For more information contact [Ray Ledgerwood](#)

Cultural Resources:

Larry Brewer completed summarizing the conservation district input to the proposed cultural resources policy and reported on this input to the Conservation Commission at the March Meeting. Larry Brewer has completed work on the Commission policy for cultural resources work by conservation districts on Commission funded projects, and will be working with districts on implementing the Commission approved policy, finding out which contractors are available and answering questions regarding the implementation of the policy. For more information contact [Larry Brewer](#)

STAC Meeting:

Mike Baden participated in the 3.24.15 State Technical Advisory Committee meeting. Topics included RCPP, Forestry management, Local Work Groups, Easement program rules, and Section 14 rules. For more information contact [Mike Baden](#)

Special Projects:

Butch Ogden participated in a meeting with ECY, USFWS and county commissioners on the Skidmore Slough project. Butch also worked with landowners in the Naselle River area on fencing projects and attended the Grays Harbor Shoreline Master Program (SMP) meeting dealing with Ag inputs to the committee. Butch also continued work with cranberry growers and shellfish issues this reporting period. For more information contact [Butch Ogden](#)

In-Person & Follow-up Work with Districts:

Regional Managers provided in-person assistance this reporting period with; Ferry, Grant County, Pend Oreille, Stevens County, Spokane, Pierce, Pacific, Whatcom, Benton, Walla Walla, Eastern Klickitat, Palouse, Thurston, Lewis, Franklin, Central Klickitat, North Yakima, Clark, Lincoln, Snohomish, Cascadia, Asotin County, Grays Harbor, Pine Creek, King, Clallam, Mason, Pomeroy, Palouse Rock Lake, Underwood, Whidbey Island, Kitsap, South Douglas, Foster Creek, Columbia, South Yakima, Okanogan, Wahkiakum, Cowlitz, and Jefferson Conservation Districts.

Follow-up assistance on district operations issues and needs with Central Klickitat, Okanogan, South Douglas, Franklin, Thurston, Ferry, Whatcom, Spokane, Palouse Rock Lake, Pend Oreille, Grant County, Foster Creek, Stevens County, Pierce, Ferry, South Douglas, Lincoln County, Eastern Klickitat, North Yakima, Adams, Cascadia, Clark, Cowlitz, Wahkiakum, Pacific, Grays Harbor, Ferry, Asotin County, Palouse, Underwood, Wahkiakum, Jefferson, Whitman, Mason, San Juan Conservation Districts.

May 21, 2015

TO: Conservation Commission Members

FROM: Ray Ledgerwood, Regional Manager Coordinator

SUBJECT: Good Governance Preliminary Report

Background summary: Attached to this Memo is a preliminary Conservation District Good Governance status report. Regional Managers and staff continue to work with 21 conservation districts with opportunities to improve one or more Good Governance elements before the end of the fiscal year. A final report of Good Governance status will be prepared for the July Conservation Commission Meeting.

Notes regarding this preliminary report include:

- One district that has 14 elements we are working with them on upon the resignation of their only employee;
- Five districts can improve their timeliness and accuracy of financial reporting and vouchering;
- Ten districts have had issues during the past year on elections or appointments of Supervisors ranging from citizen complaints that Bill Eller will report on, to procedure issues, to missing deadlines for submission of appointed supervisor nominations;
- Three districts are addressing State Auditor issues;
- Four districts need to address position vacancies that have existed for more than a year;
- Six districts have opportunity to improve their technical capacity to provide conservation services;
- Any other elements with opportunities for improvement involve 1 or 2 districts.

Action requested: No action. Information only.

Staff Contact: Ray Ledgerwood, Regional Manager Coordinator, email: rledgerwood@scc.wa.gov

"Yes" or Good Performance	Green Count	Yellow Count	Red Count
Consider Improvement			
"No" or Substandard Performance			
Overall	22	1	
Category 1 Performance Components			
Conservation On the Ground Performance			
1) The funded conservation activities in the district's previous year's Annual Work Plan address the resource concerns identified by the board of supervisors; the district has been in regular consultation with the state and local agencies of record for those resource concerns, and those activities have been implemented.	1		
2) Implementation goals (intermediate outcomes) on WSCC funded work for the last state fiscal year were all met.	2		
3) Supervisors and staff are leveraging financial and other resources with other districts to achieve efficiencies			
Financial Performance			
4) Financial reporting and vouchering to the WSCC is on time, complete, accurate, and complies with WSCC financial policies and procedures.	5		
5) WSCC allocated funding is utilized in a timely manner - and/or - WSCC has been notified by March 31 st that funding allocations for that fiscal year cannot be utilized.	2		
Supervisor Election and Appointment			
6) The election and appointment of district supervisors complies with WSCC rules and procedures.	10		
Audit Resolution – If Any			
7) Has addressed or is in the process of addressing any identified, resolvable State Auditor issues.	3		
Category 2 Performance Components			
District Operations and Capacity			
8) Board of Supervisors actively governs the district by demonstrating leadership in conservation stewardship as well as instilling an ethic and culture of constant improvement.	2		
9) Each district board holds board meetings attended by a quorum of supervisors who:			
i) Has chosen a supervisor to be Chair			
ii) Has performed its due diligence to ensure all supervisor seats are filled; and	4		
iii) Has no more than one board meeting cancelled due to lack of a quorum			
10) Has a physical location that meets requirements for public offices with regular weekday office hours for public access, information, and services.			
11) Regular board meetings are held in accordance with state law ("regular" means monthly unless it can be shown that a different schedule better meets the needs of the public.)	1		
12) There is a board-approved delegation of district managerial responsibilities to a district manager, administrator, executive director, coordinator as a primary point of contact.	2		1

13) Supervisors & staff participate in annual training (WACD, WADE, WSCC, Enduris, NRCS, etc.).	Green	Yellow	Red	1
14) District has the technical capacity to implement and maintain conservation on the ground with reliable and consistent quality	Green	Yellow	Red	6
Working Within the Constraints of the Law				
15) The conservation district has used the Schedule 22 Internal Assessment to perform an internal audit as required by RCW 89.08.210 for the most recently completed fiscal year.	Green	Yellow	Red	
16) The conservation district has, if needed, begun the process to address any identified opportunities for improvement uncovered by the Schedule 22 Internal Assessment.	Green	Yellow	Red	
17) The conservation district has, if needed, used Enduris, WSCC, MRSC, and/or an attorney for legal questions.	Green	Yellow	Red	
Long Range and Annual Work Plan				
18) Annual Work Plan:	Green	Yellow	Red	
i) Is submitted on time and in the current WSCC template	Green	Yellow	Red	
ii) Addresses highest priority resource concerns identified by the board of supervisors with data provided by the district as well as the agencies of record for those resource concerns	Green	Yellow	Red	
iii) Contains achievable and measurable activities, reasonable completion target dates, staffing/task assignments, and a supporting budget	Green	Yellow	Red	
iv) Has priorities compatible with the district submission to WACD budget request	Green	Yellow	Red	
19) Long Range Plan	Green	Yellow	Red	2
i) Is on the current WSCC template, annually reviewed and on file with WSCC	Green	Yellow	Red	
ii) Addresses highest priority resource concerns identified by the board with data provided by the district as well as the agencies of record for those resource concerns	Green	Yellow	Red	
iii) Has been updated within the past 5 years	Green	Yellow	Red	
Public Outreach, Involvement, and Education				
20) Regular communication to the public (such as: newsletters, current and updated website, social or other media, and educational programs or workshops) within the current fiscal year has occurred.	Green	Yellow	Red	1
21) All regular and special board meetings as well as other public events are properly publicized, conducted, and contain an official opportunity on the agenda for public comment.	Green	Yellow	Red	
22) Input is sought from stakeholders (which include at least one public meeting) before annual work plan and long range plan are approved by the board. (Note – the public meeting could be either an identified portion of a regular board meeting or a separate public hearing held for that purpose)	Green	Yellow	Red	1
23) The annual report of accomplishments was submitted on time, in the prescribed format to the WSCC, and utilized for public/stakeholder education	Green	Yellow	Red	1
24) Demonstrated ability to work with all local public, private, and nonprofit partners (as well as entities represented and partnering with the Commission) to identify and target areas for natural resource conservation and improvement.	Green	Yellow	Red	2
i) County government	Green	Yellow	Red	
ii) Cities and towns	Green	Yellow	Red	
iii) NRCS	Green	Yellow	Red	
iv) Ecology	Green	Yellow	Red	1
v) WSDA	Green	Yellow	Red	

vi) WDFW
vii) DNR
viii) RCO
ix) Local Tribal governments
x) Local watershed groups or other nonprofit partners
xi) Enduris
xii) WACD
xiii) NACD (dues not paid)



25) The conservation district develops its goals and measures its accomplishments based on data that is self-generated as well as cooperatively received from partner agencies.

May 21, 2015

TO: Conservation Commission Members

FROM: Technical and Professional Development Work Group Members
(Dr. Nichole Embertson, James Weatherford)

SUBJECT: Conservation District Technical and Professional Development Work Group

Background summary: The Technical and Professional Development Workgroup have been working on a biennial work plan and budget request for Commission consideration. This budget will support the continued work of the Technical and Professional Development Work Group going forward. This budget also reflects the addition of 2 categories not previously contemplated to the extent now planned; Quality Assurance Programs and Discovery Farms Research Development.

Additionally, find included a copy of the Technical and Professional Development Work Group Charter Proposal. The charter is designed to create a durable, structured entity and formalize the Washington State Conservation District Technical and Professional Development Work Group. This formalization provides for financial accountability, as well as accountability for the work and continuity of the Tech Group and the group's mission into the future.

Action requested: Seeking funding for continuing the work of the Technical and Professional Work Group into the 2015-2017 biennium and implementation of the workplan.

Staff Contact: Larry Brewer lbrewer@scc.wa.gov or 360.701.7859
Dr. Nichole Embertson NEmbertson@whatcomcd.org
James Weatherford jweatherford@thurstoncd.com

FY 2016/17 Proposed Deliverables - Technical and Professional Development Workgroup (TPDW)

Task No.	Deliverables for FY 2016 (Rev 5/11/15)	Strategic Coordination Area	Proposed Task Lead from Tech Group	June '15	July	August	September	October	November	December	January	February	March	April	May	June	FY 16 Costs of Deliverables	FY 17 Costs of Deliverables
A Proficiencies and Standards																		
A1	Coordinate with HR to develop job classification standards for Dairy Nutrient Management Planner, Riparian Restoration Specialist, and two other disciplines such as: Nutrient Management Planner, Small Farm Planner, Forestry Specialist that clearly outline expectations in the areas of technical knowledge, planning process, social context awareness, and quality and content of work products.	Employee Development	James														\$5,000	\$5,000
A Training																		
A3	Manage/maintain training needs inventory of all technical staff and their proficiencies; use inventory to identify training needs.	Employee Development	James														\$ 2,000	\$ 2,000
A4	Maintain the list of available training events ; Identify needed training events; Coordinate with NRCS on training & WADE for their specific training events.	Employee Development	James														\$ 10,000	\$ 10,000
A5	Develop and conduct CD lead training events ; support individual's training.	Employee Development	James														\$ 20,000	\$ 20,000
B Certification																		
B1	Implement and manage current Dairy and Riparian certification processes . This includes total program structure and support, planning, communication, and promotion of individual certification programs.	Employee Development	Nichole & Brian														\$ 5,000	\$ 5,000
B2	Coordination of mentoring program for certification program. This task will coordinate with a separate "Mentoring and Job Shadowing" task group.	Employee Development	Nichole & Brian														\$ 2,000	\$ 2,000
B3	Provide opportunities for continuing education toward certification requirements ; include a session at the 2016 and 2017 WADE training conference to verify skills in particular disciplines (e.g., dairy riparian), and provide progress towards certification requirements.	Employee Development	Nichole & Brian														\$ 8,000	\$ 8,000
B4	Develop new certifications such as, Nutrient Management Planner, Small Farm Planner, Riparian Restoration Specialist, Forestry Specialist, etc. Identify leaders/coordinators for each certification and provide support for program development.	Employee Development	TBD														\$ 5,000	\$ 15,000

TECHNICAL AND PROFESSIONAL DEVELOPMENT WORKGROUP (TPDW)

Group Charter

Draft – May 5, 2015

A. Purpose

The TPDW has been created for the purpose of ensuring that Washington State Conservation Districts have the proper technical expertise to consistently plan and implement conservation programs in collaboration with the Washington State Conservation Commission (WSCC), conservation districts in Washington State, the Washington Association of Conservation Districts (WACD), and other key conservation partners.

The vision of the TPDW is that quality technical assistance, programs, and guidance provided by Districts will foster greater natural resource protection and stewardship by land managers and the communities within which they operate. Districts should be provided proper support and recognized for their professional staff members who possess the technical proficiency, knowledge, and expertise necessary to properly assist land users via statewide training and certification programs. Continuing research and development will improve technical assistance program delivery, while support for planning consistency and high level performance will aid in professional development of staff. Evaluation of the effectiveness of work and services will be demonstrated through improvement of natural resources.

Guiding Principles:

- CD Boards and District managers are responsible, and accountable, for District performance and employee development.
- Landowners are the ultimate land-use decision makers.
- CDs actively seek collaboration and partnership, internally and externally.
- CDs focus on strengths, roles, and motivations of district employees, landowners, and partners.
- District accountability is recognized by other Districts, commission, and outside partners.
- Landowner social networks, including peer to peer interactions, are critical to achieving conservation results.
- Staff are well-trained and proficient in their areas of expertise.

The specific purposes of the work group include the following:

- Develop technical and professional capacity with Conservation Districts
- Demonstrate level of expertise of CD staff to partner agencies

- Provide system to continually improve expertise of CD staff through programs and opportunities

B. Membership

Composition

Members of the TPDW work group will represent the Conservation Districts, Washington State Conservation Commission (WSCC), the Washington Association of Conservation Districts (WACD), Washington Association of District Employees (WADE), Natural Resource Conservation Service (NRCS), and other conservation partners as selected.

The TPDW group will constitute a cross-section of conservation districts across Washington State, with the intent of representation from each of the six regions designated by WACD (Northwest, Southwest, North Central, South Central, Northeast, and Southeast). TPDW will seek broad interdisciplinary representation (e.g., dairy, riparian, urban, forestry, etc.) from members.

New members from Conservation Districts may join the group if 1) they request membership or they are invited by a current member; 2) they are approved by vote of the group; and 3) they read, agree to, and sign the group charter. Nominations and approvals will occur at regular meetings.

Leadership Team – Current (January 2015)

This information will be filled in by vote of the Council at a later meeting

Chair - x

Sitting Member - x

Advisor/Liaison - x

Strategic Coordinators

- Employee Development - x
- Communications - x
- Technical Expertise and Support - x
- Science and Planning - x
- Administration, Budget and Finance - x

Advisory Council - Current participants (May 2015)

This information will be updated pending the confirmation of current members on this list, and addition of new members

Washington State Conservation Commission (WSCC)

- Ray Ledgerwood - yes
- Mark Clark - yes

- Ron Shultz - yes

Northwest Conservation Districts

- Nichole Embertson (Whatcom) - yes
- Bobbi Lindemulder (Snohomish)
- Josh Monaghan (King)
- Joe Holtrop (Clallam)
- Karen Bishop (Whidbey + WADE) – yes?

Southwest Conservation Districts

- James Weatherford (Thurston) - yes

North Central Conservation Districts

- Terri Williams (Okanogan) - yes

South Central Conservation Districts

- Heather Wendt (Benton)
- Laurie Crowe (South Yakima) - yes

Northeast Conservation Districts

- Garth Davis (Spokane) - yes
- Vicki Carter (Spokane) - yes
- Walt Edelene (Spokane) - yes

Southeast Conservation Districts

- Sandy Cunningham (Asotin)
- Jennifer Boie (Palouse)

Washington Association of Conservation Districts (WACD)

- Dave Vogel - yes

Natural Resources Conservation Services (NRCS)

- Doug Allen - yes
- Tracy Hanger - yes

Work Teams

Work teams will be established as needed to accomplish work tasks.

C. Roles and Responsibilities

Advisory Council

The purpose of the Council is to provide direction and input into the long-term goals and interests on the TPDW and identify the means of achieving those goals. Membership on the Council is a voluntary, un-funded position. There are no term limits.

Members of the Council will guide the direction and actions of the TPDW group. Responsibilities of the Council include:

- Attend and actively participate in regular meetings. Members who miss three consecutive meetings without notice may be considered for replacement.
- Assist in setting priorities, strategic vision, direction, and project scope.
- Approve key deliverables / decisions.
- Approve/appoint/select the members of the Leadership Team.
- Contribute to project tasks/assignments as appropriate. If member is unable to complete an assigned task, that member must delegate the task to another member of the group for timely completion.
- Communicate project status and outcomes to greater conservation district network and conservation partners.
- Promote final products to greater conservation district network.
- Help maintain membership.

Leadership Team

All positions on the Leadership Team are up for annual review. Term limits are not specified for any position except the Advisory Member.

The purpose of the Leadership Team is to carry out the strategic goals and tasks of the TPDW as identified by the Council. Responsibilities of the Leadership Team include:

- Attend and actively participate in regular meetings.
- Uphold priorities, strategic vision, direction, and project scope.
- Bring key deliverables / decisions before the Council for approval and then enact on them.
- Oversee approved projects and deliverables until completion and implementation.
- Communicate project status and outcomes to greater conservation district network and partners.
- Promote final products to greater conservation district network.
- Help maintain membership composition this group charter.

The Leadership Team will be composed of the following members:

Chair – The chair is selected annually by self/outside nomination and elected by the Advisory Board. The chair is expected to lead meetings, uphold vision, and is the designated point of contact for TPDW.

Sitting Member – Annually a new member is nominated/elected from the Advisory Council to this position and serves a one year term. An individual cannot re-up for a period of five

years. If there is strong interest, more than one member can be considered for inclusion by the current Leadership Team.

Advisor/Liaison – A member from the WSCC staff will sit on the Leadership Team to provide directional guidance and perspective. This is an appointed member from the WSCC.

Strategic Coordinators – Nominated and elected by Advisory Board, these individuals are part of the Leadership Team and oversee all tasks within their area of responsibility (5 areas listed below). They coordinate with the task leads that carry out work items and report to the Leadership Team at monthly meetings.

- *Employee Development* – This area encompasses all activities related to the direct enhancement of professional employee development.
 - Certification
 - Training
 - Proficiencies
- *Communications* – This area encompasses all activities related to outreach and communication of information to individuals and organizations.
 - Outreach
- *Technical Expertise and Support* – This area encompasses activities related to the support and implementation of the technical expertise and resources of an individual or organization.
 - Mentoring and Job Shadowing
 - Technical Expertise in Statewide Policy and Programs
- *Science and Planning* – This area encompasses activities related to building District capacity in science and planning programs, addressing new and emerging issues, and creating frameworks for individuals and Districts to operate within.
 - Quality Assurance
 - Research, Implementation and Effectiveness Monitoring
- *Administration, Budget and Finance* – This area encompasses all activities related to the administration and tracking of budget and financial matters of all activities.
 - Coordinate with task leads and Commission on budget, billing, and funding requests.

Work Teams

Work teams will be established as needed to accomplish work tasks. Work teams will be headed by a designated Task Lead.

Task Lead - All tasks overseen by the Strategic Coordinators will be accomplished by a Task Leader. This position will be assigned by the Strategic Coordinator and has no term limits. Responsibilities of the Task Lead include:

- Establishing a work plan, timeline of work, and determining meeting deliverables
- Managing activities and work team
- Reporting to the Strategic Coordinator as established in work plan

D. Procedural Rules

Meetings

The Leadership Team will meet once monthly via net-meeting. Meeting date and time will be determined at the end of each meeting. An annual in-person meeting will be conducted at the start of each year.

The Council will meet quarterly in person or via net-meeting. One of those meetings can be at the annual WADE meeting.

Members who miss three consecutive meetings will be contacted and asked to either confirm their participation or help find a new member to serve in their place.

Additional, more frequent, meetings can be scheduled pending work load.

Minutes

Notes will be kept at each meeting. Copies will be emailed or posted to a shared electronic folder to members within seven days after the meeting.

E. Process for Making Recommendations

Consensus-based recommendations

TPDW members will strive to achieve consensus recommendations.

Member absence during recommendation process

When members cannot attend a scheduled meeting, they may 1) assign an alternate member from their district or organization to attend in their absence, or 2) communicate their views to the group prior to the meeting.

Lack of consensus

If consensus cannot be reached on a recommendation or action item, TPDW members (as assigned) will bring all points of view before the appropriate and affected leaders.

Process for moving a recommendation out of the work group

Recommendations made by the TPDW that require action and/or funding will be brought to appropriate leaders for a final decision and/or development of a resolution (if necessary).

F. Goals and Objectives

The ultimate goal of the TPDW recommendations is to ensure that Conservation Districts have the proper technical expertise to consistently plan and implement conservation programs.

Objectives of this effort may include:

- Ensuring that each conservation planner has awareness of expectations and access to tools and training opportunities that are used within their discipline.
- Providing all CD staff with access to programs that support professional development needs, professional certification opportunities and recognition for completing training.
- Effective monitoring to demonstrate change in conservation systems resulting from conservation planning and implementation of programs and practices.
- Providing a scientific basis for guidance and knowledge base supplementation, and answering specific conservation questions by conducting or supporting research in accordance with RCW 89.08.220.
- Addressing emerging needs and issues through use of high quality data and information collection.
- Promoting and maintaining a consistently high level of proficiency and quality in programs and technical assistance across districts and providing a way to demonstrate quality assurance to our partners, including landowners.
- Coordinating engagement by CD technical experts in development of federal, state and local policies and programs related to conservation activities.

G. Deliverables and Work Plan

The tasks, deliverables and timeframes of the TPDW may evolve and change over time. Please see the most current draft of the Action Plan for annual and long term deliverables.

H. Member Signatures

Members of the TPDW participated in the preparation of this charter, understand its contents, approve the charter as their work group's charter and operating plan, and agree to be held mutually accountable for adherence to the charter. Evidence of agreement is reflected by each member's signature below.

Technical and Professional Development Workgroup (TPDW)

<i>Member Name, Organization</i>	Date

Member Name, Organization

Date

Member Name, Organization

Date

DRAFT

TAB 4

To: Mark Clark, Executive Director
From: Bill Eller, Election Officer / Regional Manager
Date: May 12, 2015
Re: 2015 Conservation District Elections

Summary

Staff recommends the Commission board certify and announce the official winners of 44 of 45 district elections. Commission staff does not recommend the Commission certify and announce the official winner of the Whatcom Conservation District election at this time as the investigation into that election is not yet complete.

Staff recommendation

The Commission should certify and announce the official winners of 44 of 45 conservation district elections as none of these districts had any issues of significant noncompliance with WAC Section 135-110 and the election procedures published for this election cycle.

Election Compliance

As has happened in prior years, issues involving the lack of compliance with WAC Section 135-110 came to the attention of Commission staff in enough time to resolve the issue before it became irreversible. The result is a continued downward trend in errors committed by districts during the election cycle.

For 43 of 45 districts, errors in the election process (minor and serious) were substantially reduced from prior years. Last year we had a number of districts that turned Election Form #1 (resolution) in late. We addressed that issue during the good governance process last year, and highlighted deadlines during the election webinar in August 2014. This year, no district was late in turning in Election Form #1.

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:

- Pacific Conservation District (PCD) violated WAC 135-110-370(4) requiring them to inform the Commission of their automatic re-election of their incumbent within four weeks of their election. PCD didn't tell inform the Commission until April 17, 2015. PCD also violated WAC 135-110-130(1) by losing an original election form. Original documents must remain in the care and custody of the conservation district.
- Franklin, Lewis, South Yakima and Whitman CDs had possession of applications for appointed positions, but didn't forward those original, hard-copy applications to the Commission's Lacey office by the March 31 deadline.

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

- *District Familiarity with WAC Section 135-110.* Districts have become accustomed to using the election administrative regulations adopted in 2010.
- *August 2014 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 2014 Elections Outreach.* Commission staff made a concerted effort during the fall of 2014 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 2014-Mar 2015) Outreach.* Commission staff was able to work with districts during the election cycle to reduce errors in real time.
- *Election Boot-Camps.* Commission staff continues to offer election boot-camps for conservation district staff new to the district or new to elections. 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.

Thurston Conservation District:

Commission staff was able to finish an investigation of the Thurston Conservation District (TCD) election. Errors, issues, and compliance with election procedures for TCD's election are set out in a separate memo. Commission staff recommends certifying and announcing the TCD election. For more details, please review the separate TCD memo.

Whatcom Conservation District:

Commission staff was not able to finish an investigation of the Whatcom Conservation District (WCD) election. As of the date of this memo, Commission staff is still working with WCD staff to properly account for each ballot cast in that election. Once that is completed, Commission staff will continue to assess the many complaints, inquires, and issues that WCD staff and the public have brought up with regard to the WCD election. Commission staff hopes to have the WCD election investigation complete in enough time for the Commission to take action at the July Commission meeting.

Conservation District Election Results:

See the next page:

District	Election	ARI	Compliant?	Certify?	Observed?	Supervisor Elect
Adams	1.27.15	Y	Y	Y		Emmitt Cain
Asotin County	3.19.15	Y	Y	Y		Rod Hostetler
Benton	3.11.15		Y	Y	Y	Vacant (Dan Downs)*
Cascadia	1.20.15	Y	Y	Y		Hal Hawley
Central Klickitat	2.17.15	Y	Y	Y		Tom Tasto
Clallam	2.26.15	Y	Y	Y		Donald Hatler
Clark	3.3.15	Y	Y	Y		Lynn Engdahl
Columbia	1.15.15		Y	Y		Bryon Seney
Cowlitz	3.19.15		Y	Y		James Mallett
Eastern Klickitat	2.12.15	Y	Y	Y		Steve Matsen
Ferry	3.25.15		Y	Y	Y	Charlotte Coombs
Foster Creek	1.28.15	Y	Y	Y		Lee Hemmer
Franklin	3.12.15	Y	Y	Y		Chris Herron
Grant County	2.10.15	Y	Y	Y		Dave Stadelman
Grays Harbor	2.20.15		Y	Y		Brady Engvall
Jefferson County	3.4.15	Y	Y	Y		Elijah Christian
King	2.24.15- 3.10.15		Y	Y		James Haack
Kitsap	3.27.15	Y	Y	Y		Albert Allpress
Kittitas County	2.10.15	Y	Y	Y		Jeff Brunson
Lewis County	3.11.15	Y	Y	Y		Chris Aldrich
Lincoln County	3.11.15		Y	Y		Eddie Johnson
Mason	2.21.15	Y	Y	Y		Linda Barnett
North Yakima	3.17.15	Y	Y	Y		Dustin Melius
Okanogan	2.12.15	Y	Y	Y		Albert Roberts
Pacific	3.4.15	Y	N	Y		Brian Sheldon
Palouse	2.18.15	Y	Y	Y		Keith Kopf
Palouse-Rock Lake	1.13.15	Y	Y	Y		Clinton O'Keefe
Pend Oreille	3.11.15		Y	Y	Y	Vacant*
Pierce	3.11.15	Y	Y	Y		Jannette Dorner
Pine Creek	2.11.15		Y	Y	Y	Robert A. Marsh
Pomeroy	2.2.15	Y	Y	Y		Kyle Pearson
San Juan Islands	2.2.15	Y	Y	Y		Ronald Zee
Skagit	3.17.15		Y	Y		David Malsed
Snohomish	3.17.15	Y	Y	Y		Karl Hereth
South Douglas	1.28.15	Y	Y	Y		Jeff Rock
South Yakima	3.24.15	Y	Y	Y		Troy Schilperoort
Spokane County	3.10.15		Y	Y	Y	Wendy Knopp
Stevens County	2.19.15	Y	Y	Y		Pete Guglielmino
Thurston	3.7.15		N	Y	Y	Samantha Fleischner
Underwood	2.17.15	Y	Y	Y		Joyce Eastwick
Wahkiakum	3.18.15	Y	Y	Y		Tony Aegerter
Walla Walla Co.	1.28.15	Y	Y	Y		Todd Kimball
Whatcom	3.10.15				Y	
Whidbey Island	2.3.15	Y	Y	Y		Sarah Richards
Whitman	2.12.15	Y	Y	Y		David Lange
45		32	42	44	7	45
		71%	93%	98%	54%	

* Benton 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). Pend Oreille CD also had no candidate, but the incumbent had resigned prior to the election and his seat was vacant at the time of election. By operation of WAC 135-110-970, the Pend Oreille CD board will choose a replacement.



To: Mark Clark, Executive Director
From: Bill Eller, Election Officer / Regional Manager
Date: May 11, 2015
Re: Thurston Conservation District election investigation

Summary:

Staff recommends the Conservation Commission board (Commission) certify and announce the official winner of the Thurston Conservation District (TCD) election. Issues presented before, during, and after the TCD election do not rise to the level of significant noncompliance with election procedures necessary to invalidate the election.

Staff Recommendation:

The Commission should certify and announce the official winner of the TCD election as none of the issues presented establish a finding of significant noncompliance with WAC Chapter 135-110 and the election procedures published for this election cycle.

Action:

The Commission must decide whether or not to certify and announce the official winner of the TCD election.

Background:

The Commission received numerous complaints and concerns from various sources even before TCD held its election on March 7, 2017. Issues involving candidate statements and delegation of authority from the TCD board to their election supervisor were addressed prior to the election and presented to the Commission at the March 2015 Commission meeting. Those issues were resolved and the election was held. After the election was held, more complaints, mainly involving absentee voting were received by Commission staff. What follows are the staff's effort to investigate all the issues that might warrant a finding of significant noncompliance with election procedure that may affect the outcome of the election (as defined in the Washington Administrative Code (WAC) 135-110-120) and require the Commission to decline to certify the TCD election.

Allegation 1: District staff prevented the public from voting by absentee ballot.
Date Made: March 3, 2015
Status: Unsubstantiated.
Effect: Errors were made by District staff in the processing of absentee ballot requests, but no error constituted "significant noncompliance" as defined in WAC 135-110-120(2) requiring non-certification of the election.
Source: Email from Jim Goche to Kathleen Whalen
Summary: Mr. Goche received feedback during the week of February 20-28, 2015 that District staff was refusing to provide absentee ballots to the public when requested. Reasons for the alleged refusals include

1. The staff designated to handle absentee ballots were not available.
2. District staff didn't seem to know how to respond to the public when they request ballots and told them that they would have to come back another time.
3. The District made the process of getting an absentee ballot so long and complicated that the voters were unable to stay or just get frustrated and leave.

Discussion:

TCD did have a procedure for processing absentee ballots. The District referred to the Commission's Election and Appointment Procedures for Conservation District Supervisors (Manual), the Revised Code of Washington (RCW) Chapter 89.08, and WAC Chapter 135-110 for guidance, and sought additional guidance from Commission staff as needed. However, TCD has not adopted any other formal rules or procedure for processing absentee ballots.

All staff was empowered to process absentee ballot requests (i.e. identify the requestor thought name, address, and birth date, if possible). However, both the designated election supervisor and another staff member were primarily responsible for processing absentee ballot requests and distributing ballots. These two TCD employees cover for each other when the other is out of the office. One employee was working only part-time, and this did cause some issues with the processing of absentee ballot requests. TCD responded by making that employee full-time for the remainder of the time that absentee ballots were available for request (March 4 and March 5).

Processing of absentee ballots occurred during normal business hours. Notices published in the newspaper (on November 11, 2014 and November 18, 2014) to the public indicated to contact the TCD office for ballot requests, or to go to the TCD web site for information. Absentee ballot information was included on the TCD web site.

TCD staff would retain all blanks absentee ballots under lock and key, and release them as requests came in. Released ballots were tracked in a poll book (kept by the County Auditor) and also in a spreadsheet started by TCD staff for cross reference. At the beginning of each day, the election supervisor would verify the number of ballots released; those distributed; and retain a copy of the spreadsheet with the unissued ballots. Written instructions for processing absentee ballot requests were prepared by the election supervisor. A sample ballot package

was created by the election supervisor together with the written instructions, made available for staff.

Instances where voters came to TCD offices but were unable to obtain an absentee ballot were not documented by TCD staff, nor is there any requirement to do so. Indeed, if a requestor declines to identify themselves, it is not possible to document that encounter in any meaningful way. In one instance that TCD staff recalls a requestor being denied a request for an absentee ballot due to the poll book being unavailable, but that same requestor came back later in the day and obtained a ballot when the poll book was available.

TCD was advised to provide more training to all staff empowered to process requests, and to ensure that staff responsible for processing requests were available at all times during regular business hours.

Procedures for processing absentee ballots are set out generally in the Election Manual in Section 2, Subsections D-F on pages 18-30, Appendix A on pages 48-51, and in a number of WAC sections. "Absentee ballots must be provided to eligible voters upon request...." WAC 135-110-520(1). No mechanism for obtaining the ballot (personal appearance, mail, telephone, or electronic request) is prescribed in the WAC. Similarly, there is no time-factor specified by WAC 135-110-520(1) on when the district must fulfill the request. Absent a specified time, a reasonable amount of time to fulfill the request would be inferred. While it is not ideal to have only one employee in the office able to process requests, it is not unreasonable on its face for the district to have only one employee able to do so. However, the Commission strives for greater participation on the part of the public in district elections, so we therefore recommend in the future that the district always have more than one employee able to process requests, or else to inform the public in clearer terms when and how requests will be processed.

TCD was further advised that their procedure for tallying absentee ballots could be eliminated or streamlined since, after the adoption of WAC Chapter 135.110, the documentation of the identity of a requestor or the number of absentee ballots that go out to a requester is immaterial to the tallying of absentee ballots. What matters is that the first absentee ballot from a registered voter to arrive back at the district is the only vote tallied for that voter. WAC 135-110-170. "Every individual requesting a ballot for any conservation district election must be verified as a qualified district elector before his or her ballot is counted." WAC 135-110-610.

Absentee ballots in general elections are similarly processed. RCW Chapter 29A governs general elections, as does WAC Chapter 434. While conservation districts are exempt from general election provisions, an analysis of how general elections are conducted would be instructive. Because Washington conducts an all mail-in election, absentee ballots similar to those in conservation district elections not exist, per se. However, replacement ballots can be requested when a mail-in ballot doesn't reach a voter. Requests for replacement ballots can only "be made in person, in writing, by telephone, or electronically, by the voter, a family member, or a registered domestic partner." WAC 434-250-080. "Replacement ballots or the original ballot, whichever is received first," are tallied for the voter when they are received back at the County Auditor. WAC 434-250-080.

While it might be prudent for districts to document the identity of a requestor or the number of absentee ballots requested for later cross-reference purposes, a one-to-one ratio of absentee

ballot to requester isn't required. The Manual was revised in September 2013 to emphasize that the proper focus of efforts to tally absentee ballot is not when they go out (when they are requested), but when they come back (when they are tallied for purposes of counting votes). The measure that matters is not the number of absentee ballots that go out, but the number that are returned. The first valid, returned absentee ballot will be counted and attributed to the voter. Any subsequent ballot (whether it be another absentee ballot or a poll-site ballot) will not be counted for that same voter. Commission staff will review the September 2013 amendments to the Manual in light of the TCD election to determine if clarifying amendments need to be made.

Election definitions are set out in WAC 135-110-110 and in the Manual, Section 1, Subsection F, on pgs 5-10. The term "significant noncompliance" is defined in WAC 135-110-120(2) as "the failure to follow the requirements in this rule that may affect the outcome of an election or deny voters their right of privacy in voting." The Manual provides further guidance. It states that "significant noncompliance consists of failures to follow these procedures that, in the sole judgment of the Conservation Commission, may (1) affect the outcome of an election; (2) affect the appointment of a supervisor; or (3) deny voters their right of privacy in voting." Election and Appointment Procedures for Conservation District Supervisors, Section 1, Subsection C(1), pg 1.

The Commission has not received any related complaints from persons other than the complainant. Our investigation and inspection of TCD absentee ballot procedures, instructions, and materials they followed a standard procedure for processing and handling of absentee ballot requests. The procedure that TCD had in place could be revised in the aforementioned ways to ensure greater public participation and access for voters and make it easier for TCD staff to process and handle absentee ballot requests.

However, after investigation, it was determined that there was no substantial, definitive evidence uncovered that the difficulties presented by the TCD absentee ballot procedure for staff and requestors rose to the level requiring the Commission to not confirm and announce the TCD election. While there is evidence in Allegation 5 that proved to be true that two absentee ballot requesters were unable to vote as a result of TCD staff not fulfilling their request, that error does not affect the outcome of the election, as explained in more detail in Allegation 5 below. No evidence uncovered during the investigation showed any intent on the part of TCD staff to knowingly hinder, prohibit, or otherwise interfere with an absentee ballot request.

There is some evidence that voters could have reviewed a confusing notice posted by TCD staff on May 6 and 7 on TCD's web page, and that will be further explained in detail in Allegation 4, but even that notice had the correct information in it. Regardless, the evidence shows that TCD was consistent in their instructions to the public, both in their public notices and on their absentee ballot instructions, in that it advised voters who have questions, concerns, or need further information to contact TCD.

Therefore, it appears that TCD properly complied with procedures for absentee ballots as it understood them, despite using a procedure best designed to comply with pre-WAC Chapter 1345-110 requirements. 111 valid absentee ballots were cast. Seven absentee ballots were disqualified for various reasons (two had signatures that did not match voter's signatures on the

voter registration rolls; one was postmarked too late; and four absentee ballots that were sent out were returned as undeliverable for bad addresses).

Allegation 2: The District has no procedure in place to document instances where the public has been prevented or turned away from absentee voting.

Status: Unsubstantiated.

Effect: The District had a procedure in place and created another during the election to document absentee ballot requests. However, the District is not required under WAC Chapter 135-110 nor any other election procedure to keep such a list, thus no "significant noncompliance" as defined in WAC 135-110-120(2) requiring non-certification of the election.

Date Made: March 6, 2015

Source: Letter from Jim Goche to Mark Clark

Summary: Mr. Goche alleges that the District does not procedures in place to document instances where the public may have been prevented from obtaining absentee ballots or turned away from obtaining absentee ballots. He further indicates that, due to the lack of procedure, the "District has no idea how many voters have been turned away."

Discussion:

Please refer to the discussion on Allegation 1. RCW Chapter 89.08, WAC Chapter 135-110 and the Manual govern the conservation district election process. Districts are given latitude to conduct elections as they see fit, provided they comply with the policies and procedures set out in the RCW, WAC, and Manual.

Procedures for processing absentee ballots are set out generally in the Election Manual in Section 2, Subsections D-F on pages 18-30, Appendix A on pages 48-51, and in a number of WAC sections. "Absentee ballots must be provided to eligible voters upon request...." WAC 135-110-520(1).

After the adoption of WAC Chapter 135.110, the documentation of the identity of a requestor or the number of absentee ballots that go out to a requestor is immaterial to the tallying of absentee ballots. What matters is that the first absentee ballot from a registered voter to arrive back at the district is the only vote tallied for that voter. WAC 135-110-170. "Every individual requesting a ballot for any conservation district election must be verified as a qualified district elector before his or her ballot is counted." WAC 135-110-610.

Absentee ballots in general elections are similarly processed. RCW Chapter 29A governs general elections, as does WAC Chapter 434. While conservation districts are exempt from general election provisions, an analysis of how general elections are conducted would be instructive. Because Washington conducts an all mail-in election, absentee ballots similar to those in conservation district elections not exist, per se. However, replacement ballots can be requested when a mail-in ballot doesn't reach a voter. Requests for replacement ballots can only "be made in person, in writing, by telephone, or electronically, by the voter, a family member, or a registered domestic partner." WAC 434-250-080. "Replacement ballots or the original ballot,

whichever is received first," are tallied for the voter when they are received back at the County Auditor. WAC 434-250-080.

While it might be prudent for districts to document the identity of a requestor or the number of absentee ballots requested for later cross-reference purposes, a one-to-one ratio of absentee ballot to requester isn't required. The Manual was revised in September 2013 to emphasize that the proper focus of efforts to tally absentee ballot is not when they go out (when they are requested), but when they come back (when they are tallied for purposes of counting votes). The measure that matters is not the number of absentee ballots that go out, but the number that are returned. The first valid, returned absentee ballot will be counted and attributed to the voter. Any subsequent ballot (whether it be another absentee ballot or a poll-site ballot) will not be counted for that same voter. Commission staff will review the September 2013 amendments to the Manual in light of the TCD election to determine if clarifying amendments need to be made.

Allegation 3: District staff turned away two voters from obtaining two absentee ballots.
Status: Substantiated.
Effect: No error as the two voters requested the absentee ballots after the deadline to request absentee ballots had passed. The two voters were able to vote in person the next day at the poll site. No "significant noncompliance" as defined in WAC 135-110-120(2) requiring non-certification of the election.
Date Made: March 7, 2015
Source: Email from Jim Goche to Kathleen Whalen
Summary: Mr. Goche alleges receiving a call from Molly Oberbillig who told him that she tried to pick up an absentee ballot on Friday, March 6, 2015, from the TCD office, but both herself and her husband were turned away by district staff. She also said it was difficult to find the TCD offices. Apparently, once she found the TCD office, staff refused to give her a ballot because, they said, the person handing out the ballots was gone for the day. After providing identification to TCD staff, she was still refused an absentee ballot by TCD staff and was told that she would have to return tomorrow to vote. She explained that she couldn't do so because she would be working. Nevertheless, TCD staff turned her away, refused to give her a ballot, and apparently refused to take down her name.

Discussion:

On March 11, 2015, we spoke with Ms. Molly Oberbillig. She substantially confirmed the events described above, but said that both her and her husband were able to vote at the polls the next day. After speaking with TCD staff, they explained that Ms. Oberbillig came in one day after the deadline had passed to request absentee ballots. Rather than attempt to take her information and then inform her that the deadline had passed, it was suggest to TCD staff that an alternate approach that might have better served Ms. Oberbillig was to immediately inform her that she missed the deadline to request an absentee ballot and to inform her that her only option was to return to the poll site the next day and voter in-person in the election. Staff was complying with the absentee ballot deadline set out in TCD's election resolution adopted November 25, 2014, #12-2014. However, TCD staff could have approached this situation in

other ways to lessen confusion and consternation. TCD staff will receive more training on how to better handle these situations in the future. A similar complaint came to the District from Ed Harris, a voter, who also was unable to receive a ballot before Election Day, but was able to vote at the polls on Election Day.

Allegation 4: District staff has turned away voters from obtaining absentee ballots, contrary to a published notice on the District's web page.
Status: Substantiated.
Effect: Error, but not "significant noncompliance" as defined in WAC 135-110-120(2) requiring non-certification of the election.
Date Made: March 7, 2015
Source: Email from Jim Goche to Kathleen Whalen
Summary: Mr. Goche alleges that he received a telephone complaint the morning of the election that several folks had driven to the TCD office to pick up absentee ballots but were turned away by staff. Staff advised them that the District had stopped handing out absentee ballots on Thursday. These voters noted that this was not consistent with the information on the TCD website (below) but staff still refused to give them absentee ballots.

Discussion:

TCD established a cutoff date for requesting absentee ballots of March 5, 2015. TCD staff properly instructed absentee ballot requestors on March 6, 2015 that the deadline for requesting absentee ballots set in the election resolution had passed. As a result, the absentee ballots sought were unavailable to the requestors. The only recourse available to the requestors was to return the next day during voting hours to vote in person.

TCD staff cannot definitively establish when the notice that Mr. Goche included in his allegation was published on the TCD web site. However, multiple sources indicate that it was still on the web site on March 7, 2015, and therefore it can reasonably be inferred that it was on the web site on March 6, 2015 – during the same day that the requestors came to the TCD offices to request an absentee ballot. The notice is reproduced from Mr. Goche's email in its entirety below:

(downloaded from the Thurston Conservation District website this morning March 7, 2015)

Thurston Conservation District 2015 Election Currently Underway

Absentee Ballots Available Now

OR

Cast Your Vote In Person on March 7th (10am - 2pm)

As of Wednesday, March 4th, TCD will no longer mail out absentee ballots, as they may not be received in time for voters to submit them. Voters can still pick up absentee ballots at our office (address below) OR call to request an absentee ballot and designate someone else to pick it up for them. Requests and pick-ups must occur during office hours, from 8am - 4:30pm. This will ensure voters have time to receive, fill out, and submit absentee ballots. Note: Voters can also vote in person on March 7th from, 10am - 2-m, at TCD's office.

The text (only) of the notice is reproduced here for legibility:

(downloaded from the Thurston Conservation District website this morning March 7, 2015)

Thurston Conservation District 2015 Election Currently Underway

Absentee Ballots Available Now

OR

Cast Your Vote In Person on March 7th (10am - 2pm)

****As of Wednesday, March 4th, TCD will no longer mail out absentee ballots, as they may not be received in time for voters to submit them. Voters can still pick up absentee ballots at our office (address below) OR call to request an absentee ballot and designate someone else to pick it up for them. Requests and pick-ups must occur during office hours, from 8am - 4:30pm. This will ensure voters have time to receive, fill out, and submit absentee ballots. Note: Voters can also vote in person on March 7th from, 10am - 2-m, at TCD's office.****

However, the above notice is not a complete illustration of what was published on TCD's web page on those days. The full information, available on the web page on March 7 (and most likely March 6) includes information on requesting an absentee ballot with the correct deadline (March 5, 2015).

That full information is reproduced below:

Board Member Elections | Thurston Conservation District <http://www.thurstoncd.com/board-member-elections.html>



Thurston Conservation District
Local Solutions to Local Problems

Thurston Conservation District
2918 Ferguson St. SW, Bldg 1, Suite
Tumwater, WA 9851
360-754-3588

Home About Us Education & Outreach Programs & Services South Sound GREEN Plant Sale South Sound FarmLink
Climate Corner Mount2Sound Adventures

Site Search

841 \ 1

Tweet 4

Like < 40

Board Member Elections

Thurston Conservation District 2015 Election Currently Underway

Absentee Ballots Available Now

OR

Cast Your Vote In Person on March 7th (10am - 2pm)

****As of Wednesday, March 4th, TCD will no longer mail out absentee ballots, as they may not be received in time for voters to submit them. Voters can still pick up absentee ballots at our office (address below) OR call to request an absentee ballot and designate someone else to pick it up for them. Requests and pick-ups must occur during office hours, from 8am - 4:30pm. This will ensure voters have time to receive, fill out, and submit absentee ballots. Note: Voters can also vote in person on March 7th from, 10am - 2-m, at TCD's office.****

The Thurston Conservation District is pleased to announce two candidates are running for the open elected position, Jim Goche (Incumbent) and Samantha Fleischner. Nominations for the elected position closed at 4:30 pm on February 3, 2015.

Voting

To vote in Thurston Conservation District's election, you must be registered to vote in Thurston County **and** reside within Thurston Conservation District's boundaries. These boundaries exclude portions of Yelm, Tenino, & Rainier. If you are unsure if you are eligible to vote, based on residence in the Thurston Conservation District boundaries, please contact Thurston Conservation District, at 360.754.3588.

Voting Options

- **In Person:** You can vote in person at Thurston Conservation District on March 7, 2015, between the hours of 10 am - 2 pm. (We will also be holding our Annual Native Plant Sale at this time, with free shellfish snacks, workshops, native plants, and much more! [Join Us!](#))
- **Requesting an Absentee Ballot:** You can vote via an absentee ballot. Absentee ballots are available from February 4 - March 5 at 4:30pm. As of Wednesday, March 4th, absentee ballots will no longer be mailed out to voters; therefore, voters can pick up absentee ballots at our office (address below) OR contact TCD to request an absentee ballot and designate someone else to pick it up for them. Requests and pick-ups must occur during office hours, from 8am - 4:30pm. This will ensure voters have time to receive, fill out, and submit absentee ballots. To request an absentee ballot, voters must provide the following information: full name, birthdate, and address on your voter registration. Absentee ballots may also be requested on your behalf by a family member or registered domestic partner. Use any of the following contact information to request an absentee ballot: 360.754.3588; rcd@thurstoncd.com; 2918 Ferguson St SW, Tumwater WA, 98512
- **Submitting an Absentee Ballot**

Absentee ballots may be submitted by any of the following methods. Note the deadlines for for each!

 - 1) Mailed to Thurston County Elections Office (must be postmarked by March 7 2015) at 2000 Lakeridge Drive Southwest, Bldg #1, Olympia, WA 98502.
 - 2) Delivered to Thurston County Elections ballot box in the parking lot of Thurston

1 of 3 3/7/2015 3:11 PM

County Courthouse, by March 6th at 4:30pm, address same as above

3) Hand delivered to Thurston County Elections Office by March 6, 2015 at 4:30pm address same as above

4) Hand delivered to Thurston Conservation District on March 7, between 10am 2pm at 2918 Ferguson St SW, Suite A, Tumwater, WA, 98512

Please note completed ballots will only be accepted by the deadlines stated above. Outside of the day of election (March 7; 10-2), Thurston Conservation District does not handle or manage completed absentee ballots, so please do not bring them to our office.

Thurston Conservation District Board

Jim Goche and Samantha Fleischner are both seeking an opportunity to contribute to conservation and their communities by serving on our Board of Supervisors. Supervisors are public officials who direct the activities of the conservation district, identify local conservation needs, set priorities, and oversee the implementation of plans to conserve soil, water, wildlife, and other renewable resources.

Five members comprise the Board, each serving three-year terms, without compensation. Three of the five Supervisors are elected by registered Thurston County voters, and two are appointed by the Washington State Conservation Commission.

David Hall, Jim Goche, & Treacy Kreger serve in the three elected Supervisor positions. Doug Rushton and Eric Johnson serve in the appointed positions. The elected position held by Jim Goche and the appointed position held by Doug Rushton expire in 2015.

Please click the links below to see each Candidate's Statement/Biography

[Jim Goche](#)

[Samantha Fleischner](#)

Appointed Position

We are still accepting candidate applications for one appointed position. Candidates must be registered voters and a Thurston County landowner or operator of a farm within the Thurston Conservation District boundaries which excludes residents within the 1948 boundaries of Yelm, Tenino and Rainier. **Below are the forms and instructions associated with applying for the appointed position.**

Forms: [Letter of Interest](#) & [Candidate Application](#)

Submit to Washington State Conservation Commission via mail by March 31 2015.

Washington State Conservation Commission

PO Box 47721

Olympia WA 98504

For more information, please contact Kathleen Whalen:
kwhalen@thurstoncd.com or 360-754-3588 ext 114
Thurston Conservation District
2918 Ferguson St SW, Suite A
Tumwater WA 98512

[Thurston Conservation District Boundaries Map](#)
[Conservation District Elections Policy Manual](#)

It is conceivable that if voters read only the heading of the notice on TCD's web site (that part of the notice included in Mr. Goche's email), it could cause the voters to be confused. Some might misinterpret the notice to mean that absentee ballots would be available through March 7 at 2 pm.

However, as previously indicated, no other public notice included this error. All other notices that were published to the public that the staff is aware of included the correct termination date and time (March 5, 2015 at 4:30 pm) for absentee ballot requests. These include the November notices published in the newspaper, the December TCD newsletter, and the web site before March 5, 2015. Indeed, in the body of the full notice posted to the web page on March 6-7, 2015, the correct information is present for those who take the time to read it in its entirety.

TCD staff was updating the web page as necessary as time drew near for the election, and with information pertinent to the election process. Absentee ballot requestors who came to the TCD offices on March 6, 2015 were properly denied absentee ballots since the published deadline has passed. On March 6, 2015, TCD staff was giving correct information to absentee ballot requestors, despite the potentially misleading notice. The error on the notice, while unfortunate, does not rise to "significant noncompliance" as defined in WAC 135-110-120(2) requiring non-certification of the election.

On March 6, 2015, TCD staff were giving correct information to absentee ballot requestors, despite the misleading notice.

Allegation 5: Two voters requested absentee ballots from District staff but the ballots were never sent to the voters by District staff.

Status: Substantiated.

Effect: Error, but not "significant noncompliance" as defined in WAC 135-110-120(2) requiring non-certification of the election.

Date Made: March 23, 2015

Source: Email from Jim Goche to Kathleen Whalen

Summary: Mr. Goche alleges that he received a telephone call from Ms. Lynne De Lano on March 21, 2015, wherein Ms. De Lano described her and her husband Jim's unsuccessful attempts to vote in the TCD election.

Discussion:

On Saturday, February 28, 2015 at 9:27pm Ms. De Lano emailed TCD employee Ashley McBee to request an absentee ballot for herself and her husband, James P. Groves, be mailed to them. On Monday, March 2, 2015 at 12:38pm, Ms. McBee emailed back to Ms. De Lano that she would "get your absentee ballot mailed out asap." On Saturday, March 14, 2015 at 8:19pm, Ms. De Lano emailed back to Ms. McBee the following email:

I would like to lodge an official complaint about this election. We never received our absentee ballots. Please let me know if there is any other document I need

to file. The failure to send the ballots makes me question the integrity of the entire election process for this conservation post.

On Monday, March 15, 2015 at 3:37pm Ms. McBee intended to email TCD Manager Kathleen Whalen back with regards to this incident, but mistakenly sent the email straight to Ms. De Lano. In that email, Ms. McBee acknowledged her failure to send the absentee ballot in the mail and apologizing for the failure. She further added that "small mistakes happen in every election but does not mean they are defunct."

TCD Manager Whalen spoke with Ms. De Lano about the error shortly after Ms. De Lano brought it to their attention. Ms. Whalen apologized for the error and assured her that the District is taking steps to ensure it won't happen in the future.

We spoke with TCD employee Ms. McBee on April 10, 2015. She told us that as part of her procedure, she placed Ms. De Lano's request in an email folder with other pending requests, to be processed together soon, but at a later time. In examining her records for the day (March 2, 2015) that she processed the folder containing Ms. De Lano's request, Ms. McBee notes that she processed four new requests for a total of 33 ballots that afternoon, overlooking Ms. De Lano's. Processing of requests entails a lengthy process partially described in Allegation 1, but it involves data entry into a spreadsheet, the poll book, printing, handling, and mailing of the ballots, instructions, and candidate statements. During this processing task, Ms. McBee was also fielding calls and inquires for further absentee ballot requests. As she indicates in her email to Ms. De Lano, Ms. McBee regrets the oversight and apologized to Ms. De Lano.

We spoke to Ms. De Lano on April 10, 2015. She told us that neither she nor her husband were able to vote in the TCD election. She said that she was gone most of the week of the election (March 7) and unable to come to the poll site to vote on Election Day. Had she known that she wouldn't be receiving a ballot by email or through the mail, she would have tried to come to the TCD offices before Election Day to obtain a ballot in person. We advised her that we were investigating this issue and that we would be putting recommendations into a report for the Commission and they would make their decision at the May Commission meeting on whether or not to certify the election. We further advised her that another purpose of our phone call was to follow up on any further action she wanted to take on her complaint. She advised that she didn't want to pursue any further action, but wanted to make sure these issues were addressed. We assured her that the Commission and districts take elections very seriously and that part of our purpose in contacting her was to determine how the error occurred so that the Commission and District could pursue corrective action in the future through additional guidance, training, and direction on election procedure and policies.

111 valid absentee ballots were cast. Seven other absentee ballots were disqualified for various reasons (two had signatures that did not match voter's signatures on the voter registration rolls; one was postmarked too late; and four absentee ballots that were sent out were returned as undeliverable for bad addresses). 68 ballots were cast in-person on Election Day. 186 votes were cast in total – 69 for Mr. Goche and 110 for Ms. Fleischner.

Therefore, while it is unfortunate that circumstances conspired against these two voters being able to vote in the TCD election, and while every vote counts and every vote matters, it cannot be said here that these two votes would have changed the outcome of the election. As such,

this error does not rise to the level of substantial non-compliance with election procedure necessitating the non-certification of the TCD election.

TCD has been informed of the need of its procedure to verify every absentee ballot before they are sent out, and it will be up to TCD to determine what changes it will make to that procedure in light of that information (see Allegation 1 for more detail). Additional measures to assist TCD staff from making similar errors in the future would be to assign more staff to process requests (if the current system is retained), modify the process so that two employees verify when requests are fulfilled, and provide more training and oversight of the request process to staff.

Allegation 6: TCD staff improperly influenced the election outcome.
Status: Unsubstantiated.
Effect: No error. No "significant noncompliance" as defined in WAC 135-110-120(2) requiring non-certification of the election.
Date Made: April 13, 2015
Source: Letter from J Treacy Kreger to Mark Clark
Summary: Mr. Kreger, in his letter to Mark Clark on April 13, 2015, alleges many deficiencies regarding the TCD election. Many of those involve allegations that pertain to the operations of the TCD itself, and are not directly related to the certification of the election. Among those allegations that do relate to TCD's compliance with Commission election rules are the following:

- A. There was improper use of candidate statements. *That issue was presented and resolved at the March 2015 Commission meeting and therefore won't be addressed herein.*
- B. **TCD staff improperly encouraged a candidate to run for the open district supervisor position on the TCD Board. This will be addressed below.**
- C. **There is a conflict of interest when TCD staff serves as election staff. This will be addressed below.**
- D. **There was improper communication between one candidate and TCD staff about the number of absentee ballot requests. This will be addressed below.**
- E. Absentee ballot requestors were turned away by staff and some absentee ballots were not received by voters after requests. *This issue is addressed in the analysis of Allegations 1-5 above.*
- F. **TCD staff spread misinformation about the incumbent. This will be addressed below.**

Discussion:

Allegation B: TCD staff improperly encouraged a candidate to run for the open district supervisor position on the TCD Board.

"No conservation district supervisors, municipal officers or employees may adopt or state an official position about any candidate that promotes, or is prejudicial to, a candidate." WAC 135-110-150 (see also Section E(8), Election Manual, pg 3). The Manual further states that "a

conservation district must not take an official position on any candidate that promotes, or is prejudicial to, a candidate, nor may supervisors or employees of the conservation district do so in their official capacity.” Manual, pg 23.

TCD has adopted a policy that regarding political activities of TCD supervisors or staff members. That TCD policy, TCD Policies and Procedures 1.10 Employee Participation and Political Activities, Effective Date: June 9, 2000, is reproduced below:

THURSTON CONSERVATION DISTRICT	
<i>Policies & Procedures</i>	
1.10 Employee Participation and Political Activities Effective Date: June 9, 2000	
Background:	Pursuant to RCW 42.17.30, no elective official or employee of any public Agency “may use or authorize the use of any of the facilities of a public office or agency, directly, or indirectly, for the purpose of assisting a campaign for election of any person to any office or for the promotion or opposition to any ballot proposition.”
Purpose:	To establish parameters for employee participation in political activities.
Policy:	<p>No District employee or elective official of the District may use, directly or indirectly, the facilities of the District for the purpose of assisting a campaign for election of any person to any office or for the promotion of or opposition to any ballot proposition. This includes the wearing or displaying of political paraphernalia while conducting District business. This policy does not purport to regulate District employees or elective officials while they are not conducting District business.</p> <p>District employees may express opinions on political subjects and candidates, take an active part in political campaigns, and wear political campaign badges and buttons when not serving in an official capacity or meeting the public. In addition, District Employees may not:</p> <ol style="list-style-type: none">1. Use their official authority or influence to interfere with or affect the results of an election or nomination for office.2. Coerce, command, or advise another District employee to pay, lend, or contribute anything of value to a party, committee, organization, agency or person for political purposes.3. Use Thurston Conservation District equipment, time, supplies, staff or facilities for any political purposes or when assisting or opposing any candidate for partisan or nonpartisan offices or on any ballot proposition.

In the case at hand, the allegation is that TCD staff encouraged a candidate to run for the open district supervisor position on the TCD Board. Persons seeking to be a candidate for a conservation district election must first submit a candidate information form to the District. WAC 135-110-320. “Any person wishing to be a candidate must file candidate information

(Election Form 2) with the conservation district by the candidate filing deadline.” Manual, pg 31. The election supervisor must then verify the eligibility of the candidate in order for the candidate’s name to be pre-printed on the ballot. WAC 135-110-355. There is no prohibition against a district supervisor or employee from encouraging members of the public to run for the office of elected supervisor for a conservation district. District supervisors and staff are encouraged to reach out to the community to encourage qualified candidates to run for district positions as part of an overall outreach and communications effort to get the word out about district elections. However, once that person chooses to run for office by filing a candidate information form (Form 2) with the conservation district as required in WAC 135-110-320, neither district supervisor nor staff may promote or be prejudicial to that candidate during the election. Nothing in this allegation goes beyond the candidate filing deadline.

Further, we previously spoke with Ms. Whalen about WAC 135-110-150 and the applicable Election Manual section during our investigation into the candidate statement issue. During that investigation, she relayed to us that she has repeatedly admonished her staff to not promote any candidate during the election. The Commission strives for impartiality in conservation district elections, and districts are free to enact policy that further restricts supervisor and staff encouragement of the public to apply for open board seats, provided that policy does not run afoul of Commission rules, policies, and other applicable laws.

The TCD Policies and Procedures 1.10 Employee Participation and Political Activities (TCD Politics Policy) is taken from RCW 42.17.30, which has since been recodified as RCW 42,17A.550. While TCD’s policy likely needs updating by TCD to reflect the current statutory reference, it is still effective. The Commission encourages the adoption and use of such policies in furtherance of the goals of fairness and honest in district elections.

In the present case, there is no substantiated allegation that any employee used any TCD facility to assist or promote a particular person once that person had become a candidate. Therefore, we do not find any evidence of a violation of WAC 135-110-150.

Allegation C: There is a conflict of interest when TCD staff serves as election staff.

Mr. Kreger further alleges the following:

Conflict of Interest - “interested” district staff as election staff. TCD staffers have a conflict of interest when they develop an interest in the outcome of election. This conflict is increased when district staff are also designated as election staff and tasked with the responsibility of running the election. As such, staff has the means to turn an apparent interest into action and directly influence the outcome of the election. TCD’s Election Administrator (Ms. Whalen) designated a staff member who has been an outspoken critic of the Board’s activities (Ashley McBee) as the principle election contact with the public and the staffer responsible for responding to requests for absentee ballots.

As previously identified in our response to Allegation B above, district supervisors and staff must remain impartial during an election, in accordance with WAC 135-110-150. However, “an employee or municipal officer of a conservation district holding an election may assist in

election-related activities, but may not serve as a polling officer in the conservation district where they are employed, unless the employee or municipal officer is the election supervisor appointed by the conservation district board of supervisors. WAC 135-110-440." Manual pg 4.

As previously identified in our analysis in Allegation B, it is very important to the integrity of the election process that conservation districts direct staff to maintain impartiality and uphold the rules and regulations established by the Commission. Ms. Whalen, as TCD's election supervisor, properly instructed, trained, and admonished staff to not promote one candidate over another. If a district encounters a staff member who cannot maintain that impartiality, a remedy would be to remove that staff member from participation in the election process. Another might be that Districts, though limited in resources and staff, are free to allocate those resources to hire additional staff or others (i.e. County Auditors) wholly unconnected to the District to take on election duties. A staff member being "an outspoken critic of the Board's activities" does not rise to the level of that staffer advocating one candidate over another. We do not find a violation of election rules and regulations sufficient to jeopardize the outcome of the election based on this information.

Allegation D: There was improper communication between one candidate and TCD staff about the number of absentee ballot requests.

Mr. Kreger further alleges the following:

Staff monitoring absentee requests / communications with one candidate. On March 5, the Board advised Commission staff (Shana Joy) of a conversation between Ms. McBee and the challenger that was overheard by a TCD Board member just prior to the February TCD Board meeting. In the conversation, Ms. McBee appeared to say that district staff had been tracking absentee ballots requests and that she (the challenger) had "done well" over the last week. Ms. McBee also seemed to implicate another staff member ("Sarah") in these activities. The impression left by Ms. McBee's conversation was that she and perhaps other district staff had been using their professional knowledge of the community and the campaign contacts that they may have developed with individual community members to determine which candidate an absentee voter was likely to vote for.

Ms. Joy recalls the discussion between board members described above as having occurred during a board meeting wherein many election issues were discussed. Ms. Joy was left with the impression that the conversation described in the discussion was hearsay and didn't rise to the level of a complaint about the election process.

In speaking with TCD Supervisor Eric Johnson, he relays that he overheard the conversation between Ms. McBee and the candidate, identified as Ms. Fleischner. He recalls Ms. McBee telling Ms. Fleischner that "you should talk to Sara because you've had a really good week." Mr. Johnson didn't confront Ms. McBee about the meaning of the statement, but did bring the conversation up at a board meeting a few weeks later. He believes the conversation happened prior to Election Day, and that the conversation was directly related to the election.

We spoke with Ms. McBee about this conversation on May 1. She doesn't recall the alleged conversation, but she does recall the board meeting in February where both candidates were in attendance. She indicated that she was tasked with processing absentee ballots at this time by her supervisor Ms. Whalen. She believes it likely that the conversation might have been about requesting absentee ballots for herself (candidate Fleischner). Ms. McBee indicated that in no way, before, during or after the election, could she know who was voting for whom.

As previously identified in our February 23, 2015 memo which was considered at the March Commission meeting, Ms. Whalen, as election supervisor, delegated some of her election supervisor responsibilities to other TCD staff. Ms. McBee was one of those TCD staffers responsible for processing absentee ballot requests. TCD had a procedure to track absentee ballot requests that involved recording requests on two different lists. As such, all TCD staff involved with tracking absentee ballot requests had knowledge of the identities of the requestors yet now showing has been made, after investigation, that knowledge of identities of voters in any way influenced the outcome of the election. We have previously identified steps that TCD should take (see Allegations 1-5) related to improving staff training and direction related to election protocols.

After investigation, there has been no such no such showing of any attempt to manipulate or influence the outcome of the TCD election. TCD should provide further training and direction to staff to address issues related to the appearance of fairness and the importance of maintaining professionalism in conducting the election.

Allegation F: TCD staff spread misinformation about the incumbent.

Mr. Kreger further alleges the following:

Staff's use of official position to influence the election. Recent feedback from community members suggests that staff members have used the relationships that they developed through their positions with the District to support the challenger. This has apparently included spreading misinformation about the incumbent and creating the impression that community programs and pass-through grant funding to various local organizations may be jeopardized if the incumbent is reelected.

There is nothing in this allegation which tends to establish that the outcome of the election was in any way affected. After investigation, no identifiable community member provided any information to substantiate this claim.

As previously indicated throughout this memo, TCD should ensure that staff tasked with assisting during elections act professionally and with an understanding that their behavior and communications will affect the confidence of the public in the district election process.

TCD should review its election policies and procedures to ensure that staff is directed to not comment on absentee ballot request numbers. The TCD Board should work with Commission staff to resolve the many TCD staff personnel issues identified in the April 13, 2015 letter. The

TCD Board should insure that the TCD staff are properly trained in election rules, procedures, and policies, and take appropriate action when staff is not complying with those election rules, procedures and policies.

Conclusion:

In conclusion, it appears from our investigation that TCD has followed election procedures with regard to absentee ballot requests. While it has a procedure in place to verify requests, that procedure is neither required nor prohibited. We recommend loosening the procedure to make obtaining absentee ballots easier for voters, in light of the changes that the adoption of WAC Chapter 135-110 brought to the conservation district election system. We further recommend those actions incorporated in the body of this document.

The Commission actively promotes the sovereignty of local government by allowing for procedural variations, whenever possible, among conservation districts related to how they conduct elections. Illustrations of this can be found in all aspects of elections procedures (choosing an election date, picking the type of election, and advertising methods are examples). Regardless of which variation they choose, all conservation districts place great value in the integrity of the election process.

RCW Chapter 89.08 and WAC Section 135-110 govern conservation district election procedure. RCW Chapter 29A can provide insight and guidance in instances where RCW Chapter 89.08 and WAC Section 135-110 are silent. In the case at hand, the Commission will review its election procedures in light of the complaints raised herein, and seek to enhance them where applicable.

In the present case, for the aforementioned reasons, we find no significant noncompliance with the election rules and procedures. Therefore, we recommend the certification and announcement of the official winner of the TCD election.



May 21, 2015

TO: Conservation Commission Members
Mark Clark, Executive Director

FROM: Bill Eller, SCC Elections Officer
Lori Gonzalez, SCC Staff

SUBJECT: Conservation District Appointed Supervisor Applications

Summary: The Conservation Commission received a total of 30 applications for Appointed Supervisor in districts that have terms expiring on May 21, 2015. 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, 2015 deadline.

Each Commission member was mailed a copy of the applications on a compact disc for review prior to the Commission meeting. Commission staff reviewed the applications for completeness, original signatures; date received and then followed procedures according the Election and Appointment Procedure Manual.

All original applications were sent for further review to Commissioner Dean Longrie, 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.

A recommendation will be given by each regional member for your consideration at the regular business meeting on May 21, 2015 in Ellensburg, 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 available.

Action requested: Appoint applicants as recommended and discussed for appointment to the appropriate conservation district board of supervisors for a full term, beginning May 21, 2015 and ending May 17, 2018.

Staff contact: Bill Eller beller@scc.wa.gov or Lori Gonzalez lgonzalez@scc.wa.gov.

Applications received for the Western Region, Commissioner Longrie

*Application was received for Clark CD. Mr. Longrie is the incumbent and applicant.

Commissioner Brown will review and process application for recommendation.

Conservation District	Incumbent	Name of Applicant	Regional Manager
Clallam	Ben Smith	1. Ben Smith	Shana Joy
Cowlitz	James Scott	2. James Scott	Stu Trefry
Grays Harbor	Gregg Schmitz	3. Janet Strong	Stu Trefry
Jefferson County	Roger Short	4. Roger Short	Shana Joy
King	William Knutsen, Jr.	5. William Knutsen, Jr.	Shana Joy
Kitsap	Frank Varley	6. Frank Varley	Shana Joy
Pierce	Scott Gruber	7. Scott Gruber	Shana Joy
San Juan Islands	Vicki Heater	8. Vicki Heater	Shana Joy
Snohomish	Jeff Ellingson	9. Jeff Ellingson	Shana Joy
Thurston	Doug Rushton	10. Doug Rushton	Shana Joy
Underwood	Cyndi Soliz	11. Cyndi Soliz	Stu Trefry
Whatcom	Larry Davis	12. Larry Davis	Shana Joy
Whidbey Island	Francis Einterz	13. Edward Adams	Shana Joy

Applications received for the Central Region, Commissioner Brown

*Commissioner Brown will review Dean Longrie's application for Clark CD

Conservation District	Incumbent	Name of Applicant	Regional Manager
Cascadia	Roger Wristen	1. Roger Wristen	Mike Baden
Central Klickitat	Stephen Cunningham	2. Stephen Cunningham	Bill Eller
* Clark	Dean Longrie	3. Dean Longrie	Stu Trefry
Eastern Klickitat	Rhon Raschko Vacant (mid-term May 2016)	4. Karen Van de Graaf-Erickson 5. Rhon Raschko	Bill Eller
Foster Creek	John McLean	6. John McLean	Mike Baden
North Yakima	Gail Thornton	7. Gail Thornton 8. Kenneth Mitchell	Bill Eller

Applications received for the Eastern Region, Commissioner O’Keefe

Conservation District	Incumbent	Name of Applicant	Regional Manager
Adams	Vacant	1. Rob Dewald	Bill Eller
Columbia	Jim Hanger	2. Cody Chapman	Bill Eller
Lincoln County	Keith Schafer	3. Jeff Schibel	Mike Baden
Palouse	Chris Heitstuman	4. Chris Heitstuman	Ray Ledgerwood
Palouse Rock-Lake	Peter Swannack	5. David Johnson	Ray Ledgerwood
Pend Oreille	Randall Leestma	6. Randall Leestma	Mike Baden
Pomeroy	Richard Hastings	7. Michael Hastings	Ray Ledgerwood
Stevens County	Thomas McKern	8. Thomas McKern	Mike Baden
Walla Walla County	Edward Chvatal Jr.	9. Edward Chvatal Jr.	Bill Eller

May 14, 2015

TO: Conservation Commission Members

FROM: Mission Statement Subcommittee
(Lynn Bahrych, Dean Longrie, Alan Stromberger, Laura Johnson, and Ray Ledgerwood)

SUBJECT: SCC mission statement revision

Summary: The Mission Statement Subcommittee is seeking a decision on the agency mission statement.

Action Requested: Vote either to approve the proposed mission statement revision (drafted by the Subcommittee with input from districts and SCC staff) OR to re-approve the current mission statement. The two options are:

1. (proposed revision) To engage landowners in voluntary stewardship, in collaboration with conservation districts and other partners.
- OR-
2. (current) To lead the citizens of the state in the wise stewardship, conservation, and protection of soil, water, and other related natural resources.

Background:

- July 2014: Mission Statement Subcommittee formed at Commission meeting.
- September 2014: Subcommittee reviewed mission statements from other agencies / organizations; drafted first SCC mission revision (*to lead and assist conservation districts and partners in engaging landowners in voluntary stewardship of Washington's natural resources*).
- December 2014: Subcommittee sent first mission revision to conservation district staff/supervisors for review. In general, feedback was positive. Some respondents didn't like saying the SCC mission is "to lead" conservation districts; some recommended making the statement more concise and inspirational.
- February 2015: Commissioners Beale and Welker provided feedback on current and revised SCC mission statements. Recommendations included 1) the word "voluntary" is important, 2) avoid statements that could be true for any state agency, 3) the SCC does

more than lead and assist CDs (e.g. the SCC plays a role in state natural resource legislation/policy).

- February 2015: Subcommittee incorporated CD and Commissioner feedback; revised third draft of mission (*to engage landowners in voluntary stewardship, in collaboration with conservation districts and other partners.*)
- April 2015: SCC staff completed a survey rating the accuracy of the proposed mission statement revision on a scale of 1-5 — 1 being inaccurate, and 5 being accurate. The average staff rating was 4.2.

Staff Contact: Laura Johnson, Communications Coordinator, ljohnson@scc.wa.gov.

TAB 5

	A	B	C	D
1	SCC Grant & Contract Procedure Manual May 2015			
2	Page #	TOPIC	Community Comments	SCC Comment
3				
4	SCC made a number of simple edits to improve readability, replaced "eligible" with "allowable." Cost share documents and processes are being reviewed and updated as well. This manual will be updated to reflect any changes and form identifications.			
5	6	About WSCC	It might be possible that grants flow through WSCC from non-profit entities such as The Nature Conservancy, American Farmland Trust. There has been much discussion about this through PSCD. These other sources should perhaps be added to "state and federal sources of grants."	Edit has been made to include non-governmental entities in the description.
6	8	Tax Related Information (1099-Misc)	The last paragraph on the page makes it sound like conservation districts only need to send 1099s to landowners who are paid more than \$600. It should be amended to say that something like "Similarly, federal tax regulations require conservation districts to issue 1099-MISC tax forms to individuals, partnerships, sole proprietors and attorneys to whom payments exceeding \$600 per calendar year are made. This includes payments for professional services (engineering/design, cultural resources, etc.) and rent for office space. It is advisable for conservation districts to issue 1099s for cost share payments to landowners or operators as well."	Edit has been made to include the recommended language.
7	AG9	Master Contract	"A Master Contract approved <u>as to form</u> by the Attorney General's Office will be provided by the SCC."	Edit made
8	AG11	Amendments	to be signed by both parties.	Edit made
9	AG11	Budget Revision	approved in writing	Edit made
10	12	Reporting significant developments	Reporting favorable developments...I was not aware of this.	Yes, this assists us with reporting project implementation, promoting efforts, and knowing when additional projects and activities could be undertaken.
11	12	subcontracting	It isn't clear what subcontracting includes. Does it include any purchase of goods or services? Just public works projects?	Edit made to include services and public works projects.
12	AG13	Appeals	"Prior to a final decision, the work is expected to continue to progress on the project according to all terms of the contract", meaning that the decision to terminate or suspend doesn't become effective until all appeals are exhausted.	Edit made
13	AG13	Debarment	A SAM (System for Award Management) search must be completed in connection with any funding from a source which may potentially have a relationship to federal funding.	Edit made.
14	13	Debarment and Suspension	This section does not really provide enough information for Districts. Something like this statement, taken from an audit report issued March 2015 by the SAO would be helpful: "Federal requirements prohibit grant recipients of federal awards from contracting with or making subawards to vendors or subrecipients who have been suspended or debarred from doing business with the federal government. The grant recipient is required to verify that all subrecipients, and vendors receiving \$25,000 or more in federal funds, have not been suspended or debarred." That statement could be followed by something along these lines. . . . "Funding that conservation districts receive from any source that may potentially have a relationship to federal funding, must be treated like federal funding. The System for Award Management (SAM) maintains a website (www.sam.gov) where a search of vendors and subrecipients can be conducted to verify they are not suspended or debarred. This search must be conducted prior to entering into a contract with the subrecipient or vendor and evidence of the search must be maintained in the project files. Alternately, a District may choose to include a statement in the contract that allows the vendor or subrecipient to certify they are not suspended or debarred. An audit	Will review this language with AAG.

	A	B	C	D
2	Page #	TOPIC	Community Comments	SCC Comment
15	13	Debarment and suspension	Good to know - I thought it was the grant award entity that had to check this, not the grantee as well.	We encourage full and open evaluation on this topic. It is quite serious and can have long term implications.
16	AG15	No Activity	precludes later reimbursements for expenses that were incurred during that period.	Edit made.
17	16	contract close-out	on page 15 it says final report, etc is due within 15 days of contract end, but on page 16 it says 10 days.	The edit has been made to state "10" days as per the contract and all forms.
18	16	recovery of payments	clarify	require repayment to SCC
19	17	timesheets	Will time sheets no longer need to be signed by a board member, in addition to the employee's direct supervisor?	It has been edited to read "and"
20	17	Payroll	text says: "Use the SCC provided Compensation Form" - change "Compensation" to "Composite Rates"	Edit made.
21	AG18	Travel and Transportation	clarify reimburseable meals.	Meals, if provided by another entity, are not reimbursable.
22	18	donations	"For conservation districts, donations are not something which may be contributed, provided, or reimbursed." This sentence does not make sense.	Thanks - clarified to state "Received" donations.
23	18	Travel & Transportation	Second paragraph, second sentence should say "Meals provided by another entity are not reimbursable". (the word by is missing)	Edit made based upon line #20.
24	18	travel	it says travel is not an allowable cost under overhead. What does this mean? We don't itemize how overhead is spent.	Travel expenses cannot be included when figuring overhead. Only salaries & benefits.
25	18	Travel and Transportation	Short term vehicle rental - it's a little unclear what requires pre-approval - the short term rental, or rental longer than a month.	Thank you, edits made to clarify description.
26	18	donations	What is meant by "For conservation districts, donations are not something which may be contributed, provided, or reimbursed."?	Districts are prohibited from make donations, in any form.
27	19	Donated Labor	Link to donated labor form that includes all of the needed information as part of the manual would be helpful.	Thank you, great idea. We will look at creating a form for this purpose and link it to the website.
28	19	Donated labor	Hourly rate for persons less than 18 is minimum wage. However, on page 39, Cooperator Labor rate, it says landowner's minor labor rate at under age 16 at minimum wage. and on page 42, individual contributed services form, it states hours worked at minimum wage for minors, but no age. on page 57 - definitions a minor is listed as under 18. maybe they could all be the same?	Thank you, the explanations are now consistent with the policy adopted by the Conservation Commission (#13-05) on March 21, 2013, state minimum wage under 16 years of age. Over 16 years of age can be paid a rate established by the board, or the regular Cooperator Labor Rate adopted by the Board of Supervisors.
29	20	Cost Eligibility	Meals with meetings are not eligible? Even when it is a workshop conducted through mealtime- eg. 10AM-2PM?	Thank you for your comments. SCC grant funding will not be used to reimburse for any meals with meetings costs.
30	21+	Eligible reimbursable expenses	Appreciate the expansion of allowable expenses for direct billing including leases, and rental of office space.	Absolutely! This is a big expense for many.

	A	B	C	D
2	Page #	TOPIC	Community Comments	SCC Comment
31	21	Advertising	Public Notices for Elections should be included here.	Notification of elections and appointment procedures is bullet #2. And Elections expenses is listed on the following page as an eligible expense.
32	24	Conditionally Eligible Reimbursable Expense	Light refreshments are also listed on page 23 as Eligible Expenses. The definitions and descriptions are slightly different. Light refreshment should be one or the other (eligible or conditionally eligible) but not both.	Thank you, edits made.
33	24	construction costs	What is meant by "Written approval of construction design by NRCS, engineering and design approval, as required; plans and specifications approval, as required;". It implies that all construction must have written approval from NRCS or be designed by them.	Thank you for this comment. This was brought forward from the 09-11 Grants Manual and has now been edited to include a licensed engineer in the state of Washington, or ...
34	26	employer-paid benefits	"These funds should be set aside in a separate account." Are the funds for accrued leave balances supposed to be in a physically separate bank account, or just accounted for in a separate fund?	It would be our recommendation that the accrued leave balances be set aside in a separate account/fund. Either is acceptable, as long as it can be separated from the ongoing operational funds.
35	27	employer-paid benefits	last bullet	edited for correct intention.
36	26	composite rate form	Like the new fillable form. Nice!	Thank you! We do too!
37	28	Annual and sick leave	Sick leave is more appropriately referred to as family/medical leave.	Thanks, state agencies still refer to this as sick leave.
38	32	Forms Required with Reimbursement Requests	"With" should be deleted from the first line in this section.	Thank you, see following line.
39	33	Invoice Voucher Support Forms	"one containing all the elements"	This has been deleted because SCC is moving towards all fillable forms for data and requests.
40	33	Submittal of Voucher and Documentation	Clarified to state only, email.	SCC is moving towards all on-line submittal, therefore "regular mail" has been deleted.
41	33	No Activity	clarifying language	Edited to match language on page 14 regarding No Activity.
42	34	Employee Time Sheets	last bullet confusion	deleted Overtime = Non-Exempt and Exchange Time = Exempt
43	34	final payment	The first two bullets say: Final requests for payment, final reports, supporting materials, and signatures, must be submitted within ten (10) days after the end of the fiscal year. â€¢ Any requests and final documents received or not considered complete after 30 days of the end of the fiscal year, will be considered late and will not be authorized for payment. So is it 10 days or 30 days?	Thank you for your comment. A district may have submitted what they thought to be all the paperwork by the 10th. Additional information or backup may be needed to authorize payment. If that has not been received, the payment will be considered late, and will not be paid. However, this was edited to provide clearer instructions.

	A	B	C	D
2	Page #	TOPIC	Community Comments	SCC Comment
44	34	Basic Allocation Payment	Paragraph 3 on this page should read "Maintaining eligibility requires continued. . ." (the d is missing on the word continue)	Thank you, edits made.
45	35	Cash Advance	This will really help out when a district has multiple or larger capital projects!	Hope so!
46	35	Cash Advance	Second sentence on the page should start with "SCC includes. . ." (delete the word is) I appreciate very much the addition of a cash advance option for projects! We are not able to pay the landowner and then request reimbursement from the SCC for large cost share projects, so we cannot meet the requirement stated throughout this policy that the District fully pay all expenses before requesting reimbursement. I do believe that a 50% advance is not sufficient though. If we had a project where the landowner was due a \$50,000 cost share payment, we could no more front the \$25,000 than we could the \$50,000. That is even more true for the irrigation efficiencies projects where the cost share payments can be between \$100,000 and \$200,000. I think that following the model of the Salmon Recovery Funding Board would be a better options - "Advances may not exceed 90 percent of the balance of the RCO share of the agreement and may be restricted to less than that amount." Perhaps restricting the advance for non-cost share expenses to 50% would be a good option, with 90% possible for cost share expenses.	Thank you, edit made. <i>Please note, the cash advance is not by landowner</i> , it is for the district to use as cash to cover the costs of reimbursing receipts. So if you had a \$125,000 cash advance, and a landowner presented receipts for \$50,000; you would be able to pay them from the \$125,000. This is a common misunderstanding of this policy. Picture it as operating cash for the district to use in reimbursements. <i>We limited it to 50% for now, if the program proves successful and we don't have any defaults on the advances, I could see where a proposal to Commissioners to increase the number to 75% could be warranted.</i>
47	37	Initial Payments	Can the initial payment requests be made anytime of the year or are they restricted to the first two 90 day periods? Often, our implementation grant is heavily loaded toward the last half of the fiscal year due to the timing of cost share projects and construction. These 25% payments might be more helpful later in the fiscal year. If the initial payments are restricted to the first half of the year, could we request less than 25% each time?	The initial payment is really designed as operating cash to cover salaries, rent, goods & services, insurance, etc. Cost share projects and construction should be funded through the capital grants program where the cash advance policy would apply.
48	38	NRCS approved practices	You say only NRCS practices are eligible for cost sharing. Really? Why? Does this mean cost sharing to repair or replace failing onsite septic systems that are significant contributors to water pollution (not to mention public health) are not eligible or do you interpret the NRCS practices liberally (e.g. in this case, waste treatment)? Either way, my board and I have a problem with limiting cost sharing to NRCS practices.	Thanks for your comments. This was an oversight. The section has been edited to include alternatives approved by a professional engineer licensed by the State of Washington.
49	38	board of supervisors resolution	annually	edited to state biennially, and 24 months.
50	38	NRCS Approved Practices	The list of eligible NRCS practices should be hot linked to this the last sentence on this page. How does this list of eligible practices relate to NRCS's programs? We would we be restricted to only those practices that NRCS funds in our area or any NRCS practice anywhere? Also, is it only eligible NRCS practices or can it be practices stamped by a licensed PE?	Thank you, edited to state, "eligible practices paid by"

	A	B	C	D
2	Page #	TOPIC	Community Comments	SCC Comment
51	39	board of supervisors resolution	You state, "WSCC recommends that conservation districts avoid a practice by practice listing of the rate. WSCC requests the conservation districts consider a district-wide rate to reduce the workload and confusion at the district level." By approving one rate for all practices in policy by using different rates for specific projects would be confusing. We adopt what we believe to be a rational and defensible policy for setting cost-share rates that helps us avoid confusion. And, we use funds from various sources for cost sharing. I think the SCC is micro-managing with this policy that requires the local boards to annually adopt a cost-share rate and submit that to the SCC.	Thank you for your comments. Edits made to allow for a 24 month policy. The comments related to keeping the rate structure simple is for the purposes of risk management at the district level and reduce the opportunity for mistakes leading to unhappy cooperators. It is a risk management recommendation, not micro-managing.
52				
53	39	Board of Supervisors Resolution	The first paragraph says that the Board will state a cost share rate for "all NRCS practices". Is this is the same list as referenced on page 38? Does it include PE stamped practices?	Thank you, yes. Edits made.
54	40	Cooperator Labor Rate	Approved board resolution on cooperator labor rate.	Edited to state "biennially" rather than annually.
55	40	Existing Policy	The third bullet says that the landowner agreement must be "printed from the CPDS system". We have been told that we could add amendments to the landowner agreements to include specific local provisions (e.g. this provision in our agreements: "I agree that I am solely responsible to pursue any changes in point of diversion, place of use or purpose of use for my legal water right(s) that are essential in the implementation of this project. I understand that the KCCD will not issue the "Authorization to Proceed" letter until proof that the change application has been filed with the Department of Ecology or the Kittitas County Water Conservancy Board is provided.") Maybe this bullet should have a statement added like this: Districts may amend the cost share assistance agreements to add specific local provisions so long as those provisions are not contrary to any statements in the CPDS generated agreement.	The cost share contract for landowners is being updated and will still need to be printed from the CPDS. SCC is moving towards online document maintenance and submittals. However, a district may still attach an appendix to the cost share contract which may include additional language specific to the district. SCC would recommend this appendix be dated and signed by the cooperator and district acknowledging its attachment to the printed document from CPDS.
56	40	Landowner Authorization	Do you have a format for the landowner authorization form? If so, it should be provided as an appendix or hot linked in this section.	Thank you for this suggestion, we will look at creating a template for use and having a link available on the website.
57	41	Publicly-Owned Property	definition listed twice	deleted 2nd reference to definition
58	42	Reimbursement		changed landowner to cooperator
59	42	Existing Policy	clarify name of Cost Share Contract	Contract for Cost Share Funds
60	41	Prioritization of BMPs?	The first paragraph on this page has no header, it just continues from the Landowner Authorization on the previous page. Maybe this should be titled "Prioritization of BMPs". This prioritization scheme is a bit difficult to understand. When you say conservation plan, do you mean a full RMS plan? What if a project is outside a conservation plan, but is part of a watershed plan or does have the greatest likelihood of improving water quality and is listed in annual plan of work, but is not part of a conservation plan? Is it high or low priority? Perhaps this section should just state a high priority for the first four bullets and delete the fifth bullet and make the sixth bullet a paragraph of its own.	Edited to state Cost Share Policy. This language was carried forward from prior version of grants policy and procedures. This is not intended to be an exhaustive list of what must be included. Recommend working with regional manager on the best approach in the area.

	A	B	C	D
2	Page #	TOPIC	Community Comments	SCC Comment
61	41	Board of Supervisors Resolution	2nd paragraph	edited to change landowner to cooperator.
62	41	Application and Agreement for Cost Sharing Assistance	Incorrect title listed	Edited to "Contract for Cost Share Funds"
63	41	Application and Agreement for Cost Sharing Assistance	References to "landowner" needs to change to "cooperator", because if the applicant (listed as "Cooperator" in Section 1 of the agreement) is actually the lessee then both the lessee and the landowner need to sign the agreement. Currently the CPDS generated agreements actually list both the lessee and the landowner as "Cooperators" in Section 1, but requires the signature of the Cooperator and the Landowner (if Cooperator is Lessee) in Section 6. Each reference to landowner in this section should say something like "cooperator and landowner (if cooperator is lessee)"	Thank you, the Contract for Cost Share Funds is being redesigned and edited. These recommendations will be submitted with the edits to the document. This section has also been edited based upon known updates to the document.
64	42	Cost Share Limits	The Commission should consider potentially increasing the limit above \$50,000. Some of the larger projects can exceed this cap. It could reduce the number of total projects, but impact on the resource concerns could be positive.	Thank you for this recommendation. The <i>\$50,000 per cooperator, per fiscal year</i> is in it's infancy. Prior to the change in March 2013, the policy was \$25,000 per biennium.
65	42	CPDS and cost sharing	You say, "Once the project is submitted, the cost share application can be printed from the system. This is the only cost share agreement SCC will accept." There are two problems with this. First, when you print out the form from the CPDS, the formatting is messed up, thus we get several pages of what should be a very professional looking contract for cooperators to sign. Second, this form is not appropriate for every situation. We have had to modify it to serve our needs when using funds from sources other than the SCC and for cost sharing to repair failing onsite septic systems.	Thank you, this section was changed to say it "must" be printed from the CPDS system. The document is being rewritten, and reformatted, to be consistent with new language, requirements, and should eliminate any formatting problems when printing. The septic system repairs are a practice not expected and does require modification. The appendix approach described on line 54 would address these needs.
66	42	Methods of Payment	This section is confusing, especially the part in italics with **. Where does the use of assignment of payment forms fit?	To date, an assignment of payment option for SCC programs has not been authorized. It is being discussed with the Assistant Attorney General, but not yet developed or available under SCC policies and procedures.
67	42	Methods of Payment	** is confusing **	Thank you, edits made for clarification.
68	42	CPDS System	First bullet at the top of the page says that the CPDS generated agreement is the only one that the SCC will accept. If we are allowed to amend the agreement to add local provisions, that should be stated here as well. I would think that the Commission would want copies of amendments to ensure that the District has not added provisions that go counter to the CPDS version.	Thank you, the description of appendix for local conditions outlined on line 54 should address this concern. SCC would certainly recommend the district ensure any appendices would not subvert any legal standing of the state's investment of funding.

	A	B	C	D
2	Page #	TOPIC	Community Comments	SCC Comment
69	43	Cooperator Labor Rate		clarified age and made consistent with Policy #13-15.
70	42	Cost Sharing Rates	This section is a repeat of the topic of the top of page 39 - Board of Supervisor's Resolution. Maybe these sections can be combined?	Thank you for the suggestion. It was moved to be more consistent with the order of the descriptions.
71	42	Written cost share application and agreement is required	This section appears to be unnecessary as the Application and Agreement for Cost Sharing Assistance is well covered on page 41	Agreed. Deleted.
72	43	Reimbursement	The language under Methods of Payment looks the same at first glance. One thing that greatly limits our ability to get these funds on-the-ground is that landowners have to pay upfront and often don't have the cash available to front the charges. We want to make sure the Conservation Districts can front the cost for projects. It appears this is allowed. However, we would like to see the language changed to allow for an exemption from the requirements in this section (invoice to landowner from District, and copy of check to District) if the reimbursement rate is 100%. We have elected to pay 100% of the costs for riparian restoration and fencing and would like the ability to pay for that directly and get reimbursed directly from the Commission.	Added prohibition of two-party checks. In regards to eliminating the need to be reimbursed by the landowner for the district investment. At the present time, this is considered a gift of public funds and a violation of the state constitution. Therefore, landowner must show payment of those materials. However, we are working with the AAG to discuss options for consideration.
73	43	Methods of Payment	There is no mention here of 2-party checks as an option for payment to the landowners. We have done this for years based on a past recommendation from SCC staff. It is another of local provisions in our application and agreement for cost share assistance. It reads as follows: "I further understand, if I have not already paid an invoice, the conservation district will only reimburse cost share by issuing a check in the amount of the billing invoice with me and the vendor/contractor as joint payees." This method has been communicated to the auditor in what has become our annual single federal audits over the last several years and has never come up as an issue.	Two party checks are prohibited, as is assignment of payment. Current staff have no recollection and cannot find provisions which allow for two-party checks. We have also had the auditor look at the issue, and they have deferred to the AAG.
74	46	Cost Sharing Questions and Answers	Question 1 - This answer isn't consistent with the statement on page 38 that says "SCC Cost Share policy authorizes local conservation districts to establish by resolution, cost share ratios up to 100% in association with all WSCC grant cost-share funding."	Except that, in this case, there is no reimbursement and cooperator agreement. Page 38 refers to cost share with cooperators outside of a demonstration site as described in this section.

	A	B	C	D
2	Page #	TOPIC	Community Comments	SCC Comment
75	47	Cost Sharing Questions and Answers	Q: Can my conservation district cost share more than once with the same cooperator, or on the same practice? The last sentence in this answer needs to be clarified. It says "The \$50,000 limit is based on the operator, per fiscal year". Who is the operator? Do you mean the Cooperator or the Landowner? This is an important distinction as some of the larger operations in our District are lease situations, where a cooperator may lease from multiple landowners in multiple locations. So is it the lessee who is restricted to \$50,000 per year or the individual landowners?	We prohibit cost-sharing on the same practice. When cost share is applied for reimbursement under SCC programs, it is based upon the practice being fully installed and operational. Returning to the same practice to reimburse again appears to be a conflict. As it is currently defined, it is based upon \$50,000 per cooperator, per fiscal year, per legal parcel description. This current policy is an increase over the rate that was in place for decades, which was <i>\$25,000 per cooperator, per biennium</i> , per legal parcel description. Agreed that this question needs to be clarified, but it will include a much larger discussion to achieve resolution.
76	47	Unique Situations	Corrected name of manual	Change from Grants Administrative Procedures to Grant & Contract Procedure Manual
77	50	federal audit requirements	"The major audit policy changes target audit requirements on the risk of waste, fraud and abuse and raise the dollar threshold for requirement of a Single Audit to \$750,000 or more in expenditures in an entity's fiscal year." This statement is in there twice.	Thank you, edits made.
78	54	Disposition of Tangible Personal Property	At the bottom of this section you refer to (2) and (3), but nothing is numbered. For clarity, if you're going to reference items in a list above by using numbers, list them with numbers.	
79	55	Prevailing Wage Requirements	"If you use conservation districts on your project, specific wage rules may apply." I think you mean "a contractor," not "conservation districts."	Thank you, this should actually say "subcontractors."
80	55	Prevailing Wage Requirements	Something's wrong with this sentence: If you use conservation districts on your project, specific wage rules may apply.	Thank you, this should actually say "subcontractors."
81	55	Prevailing Wage Requirements	The first sentence of this paragraph doesn't make sense. It says "If you use conservation districts on your project. . ." Do you mean construction contractors not conservation districts? It might be useful to note that if projects have both state and federal funding, both the Davis Bacon and State prevailing wage rates apply. For each job classification, the higher of the two rates must be used.	Thank you, this should actually say "subcontractors."
82	55	Competitive Bidding	Districts should be referred to the MRCS website in this section. http://mrsc.org/Home/Explore-Topics/Public-Works/Purchasing-and-Bidding/Suggested-Guidelines-for-Purchasing,-Bidding,-and.aspx	Thank you, edits have been made to add MRSC's website.

	A	B	C	D
2	Page #	TOPIC	Community Comments	SCC Comment
83	56	Glossary	Cooperator and landowner should be included in the glossary so the definition of each is clear. I would say the following: Landowner is the legal owner of the property on which conservation districts will plan BMPs and may cost share on implementation of those BMPs. Cooperator is the individual or entity that is engaged by the conservation district to plan and implement BMPs. The cooperator may also be the landowner or the cooperator may be a lessee. If the cooperator is a lessee, then the conservation district must engage the landowner to gain permission to access and complete an agreement for cost share assistance. The definition of Best Management Practice includes a statement about "alternative practice designs approved by a license professional engineer". This should also be included on page 38 under the section titled NRCS Approved Practices.	Thank you, some of the recommended edits have been made.
84	57	Glossary	Envirothon Costs are included here in the glossary but not mentioned back on page 20 under the Ineligible Costs section. Either this entry in the glossary needs to be deleted or Envirothon costs added to the list of ineligible costs.	Thank you, it will be added to the ineligible costs.
85	58	Glossary	definition of minor	Edited to be consistent with policy @ <16 years of age.
86	58	Glossary	Monitoring, including Water Quality Monitoring What are the "Grant Programmatic Procedures" referenced in this definition? Is it a separate document or is that referring to this document?	This should have been excluded. It was brought forward from the old manual.
87	58	Glossary	The definition of Conservation District has some typos. Perhaps a search and replace was done and terms were replaced by mistake? I'm not sure what to suggest here. . .	Thank you, this was clearly a type-over of some sort. It should be referring to Subcontractor. It has been edited.
88	59	Glossary	Does Total Project Cost include the landowner or cooperator's match?	For the purposes of reimbursement, it is only allowable plus overhead.
89	all	production value	There are syntax, grammar, and punctuation errors throughout the entire document.	Thank you for your comments, we will ensure a comprehensive proof-reading is completed prior to publication.
90	all	Procedure manual	Thank you for the opportunity to comment. Some very positive changes. and, as always, a good opportunity to review the rules!	Hope so!
91			It is much appreciated that you all were very responsive to the current cash flows needs and challenges facing cds today. thank you.	Absolutely! Understand the difficulty facing districts.
92			Manual is looking good. It will be great to have the hotlinks included in the manual that link to specific forms. Thanks for giving us a chance to review this.	Our pleasure!
93			Thank you for your efforts. The Commission team does a great job of balancing the diverse needs and requirements of districts. The strategic planning effort could have a very positive impact on this, so hopefully that will also be incorporated.	Thanks for your positive comments. Nice to hear the appreciation.
94			Thanks very much for the opportunity to comment on this document. I'd be glad to discuss any of the comments I've made, if that would be helpful.	Appreciate your time!
95			Only a few comments below but overall, the layout is clear, the links to forms, etc., work - very useful and easy to use manual. Thank you for working on this!	Thanks for reviewing!

	A	B	C	D
2	Page #	TOPIC	Community Comments	SCC Comment
96		authorized signature form	authorized signature form is tight on space if all five supervisors and additional staff are authorized signers; format could be simplified (and less signing) to one section of signatures and one section of what requires signatures; for example, the first section itemizes names and signatures with a corresponding letter: A. Jake Anderson, [signature] B. Paul Newell, [signature] C. Tova Tillinghast [signature] etc. the second section shows the list of what requires signatures and the letter(s) corresponding to the signature of the approved signer(s); for example: A, B: district manager's timesheets and travel vouchers A, C: travel vouchers, invoice vouchers, timesheets and grant close out forms A-C: Cost Share Application/Agreement and Partial Payment Request forms (our bank documents follow this format)	Thank you for your comments, we will take a look at the form to see if improvements could be made.

TAB 6

Below are the resolutions that passed at the WACD Annual Conference in December 2014. The highlighted boxes in light teal blue are resolutions relating to the Conservation Commission. The status box indicates the resolutions that have been recognized by SCC and also shows the remaining resolutions that need action taken by SCC.

2014 WACD Resolutions		
Number	Resolution Title	Status
2014-01	Conservation District Long-Term Funding Opportunities	Motion by Stromberger. Longrie Seconded Jan. 15 Meeting
2014-02	Supporting Full Funding for the Forest, Rangeland Health and Fire Resiliency Program	Motion by Stromberger. Brown seconded to accept 02-09
2014-03	Supporting Full Funding for the Voluntary Stewardship Program	Motion by Stromberger. Brown seconded to accept 02-09
2014-04	Support Funding for Natural Resource Programs to Assist the Implementation of our Work	Motion by Stromberger. Brown seconded to accept 02-09
2014-05	Supporting Conservation Commission Emergency Response Funding	Motion by Stromberger. Brown seconded to accept 02-09
2014-06	Washington Coast Marine Advisory Council to Include Representative from WACD and WSCC Staff, Adding Two New Seats	Motion by Stromberger. Brown seconded to accept 02-09
2014-07	Right to Farm for Shellfish Farmers	Motion by Stromberger. Brown seconded to accept 02-09
2014-09	Green Stormwater Program	Motion by Stromberger. Brown seconded to accept 02-09
2014-10	Management Systems	
2014-11	Control of Noxious Weeds on Public & Private Lands	

2014-12	Changes to WA State Department of Natural Resources (DNR) State-Owned Aquatic Land (SOAL) Permitting/License Process	SCC to work with agencies affected prior to action—July Meeting
2014-13	Enabling Conservation on the Ground in a Timely, Efficient Manner Regarding Cultural Resources Review	
2014-14	Requesting Development of Rapid Permitting & Cultural Resources Reviews During Emergencies	
2014-15	District Overhead Operating Expenditures	
2014-16	Ecology Centennial and 319 Grant Funding Agreements Timeliness of Payments	SCC to work with agencies affected prior to action—July Meeting
2014-17	Ecology Centennial and 319 Grant Funding Agreements Termination Due to Insufficient Funds	SCC to work with agencies affected prior to action—July Meeting
2014-18	Encouraging Sustained Conservation District Funding Strategy Through the Rates and Charges Option	LEGISLATIVE Need action January 15, 2015
2014-19	Sales Tax Exemption Incentive	



WASHINGTON ASSOCIATION OF CONSERVATION DISTRICTS

Resolution No. 2014-11

Title: Control of noxious weeds on public and private lands

Problem:

Aggressive non-native invasive plants listed as noxious weeds by the Washington State Noxious Weed Control Board are altering habitat in Washington State. For example, *Zostera japonica* is converting thousands of acres of natural habitat, and damaging public and private lands. Uncontrolled, noxious weeds displace other species and degrade opportunity for public and private land management and uses.

Recommendation:

WACD and the Washington State Conservation Commission support the control of all noxious weeds listed by the Washington State Noxious Weed Board on public and private lands.

Presented by: Pacific Conservation District

Assigned To: Natural Resources Policy Committee

Recommend DO PASS, as amended by the Natural Resources Policy Committee.

Resolution passed as amended



Resolution No. 2014-13

Title: Enabling conservation on the ground in a timely, efficient manner regarding cultural resources review.

Problem:

Under GEO 05-05, state funded capital projects must undergo cultural resource review prior to implementation. For most larger project work which requires planning and permitting, the timeline required for cultural resources review is feasible, and most conservation districts have procedures in place to accommodate this level of cultural resources review.

However, a unique benefit to working with conservation districts is that they are currently able to respond quickly to pressing natural resource needs such as livestock exclusion or range fence repair, or planting in areas that are susceptible to erosion. The timeline required for cultural resources review as outlined in the initially proposed WSCC policy on this topic will greatly slow the responsiveness that conservation districts provide and reduce or eliminate the incentive for private landowners to work with districts on small-scale projects. Not only is there a built-in review period (30 days) for DAHP and tribal review of EZ-1 forms, as well as another review period (30 days) if cultural resource surveys are required, but there will be a likely bottleneck at the point of WSCC staff who are tasked with reviewing and processing the EZ-1 forms for each project throughout the state. The workload and time required for this will be overwhelming for WSCC staff and frustrating for districts, cooperators and landowners who want to accomplish conservation work.

Private landowners will likely be much less willing to work voluntarily with conservation districts under this policy. Conservation districts depend on volunteer landowners to accomplish our work, and this policy will provide a reason not to work with districts. In addition, being non-regulatory, conservation district staff should not be put in the position of representing DAHP and the rules and regulations in place surrounding cultural resources. Many district staff have not been trained on cultural resources and the legal ramifications for private property owners of discovering a historic or pre-historic artifact or site on private property. Justifiably, private landowners have many questions, and district staff are not prepared to answer them accurately, let alone present information in a persuasive light to convince landowners to proceed with a project that will include cultural resources review. Districts need support from WACD, DAHP and WSCC to provide accurate information that is tailored for private landowners' unique concerns. The result of GEO 05-05 and WSCC's proposed policy is that landowners will be much less likely to work with districts and our ability conduct our work effectively will be greatly diminished.



Resolution No. 2014-13 (continued)

Recommendation:

WACD should support a task force or similar effort involving statewide representatives of district staff and supervisors negotiating with WSCC, DAHP, and willing tribes to find solutions that will allow districts to successfully respond to conservation needs in a timely manner while still protecting cultural resources. Solutions may involve the following:

- Programmatic exemption for certain accepted best management practices that are minimally ground disturbing, such as planting of tree seedlings, hand-pulling weeds, and installing fence posts.
- Streamlined review of certain accepted best management practices that are minimally ground disturbing (similar to WDFW’s Habitat Enhancement streamlined review for Hydraulic Project Approvals).
- Develop a procedure where districts can access archaeological and historic data and map information in order to pre-assess the likelihood of cultural resources being present on a project site (currently available, but little known and technically challenging due to the sensitivity of data).
- Depending on likelihood of cultural resources being present on a project site, programmatic allowance of certain ground-disturbing activities as long as the project sponsor implements a monitoring program to identify cultural resource disturbance and an inadvertent discovery plan that lays out appropriate procedures in case a cultural resource is inadvertently disturbed during project implementation.

Furthermore, the term “ground disturbing activities” needs to be more clearly defined. This term can be interpreted variably, and will only lead to confusion and misinterpretation if not further defined. The term can be especially problematic when working on previously disturbed ground or repairing existing practices.

Finally, WACD should work with DAHP to develop accurate and concise information for landowners explaining the origins and ramifications of GEO 05-05. Conservation district staff need accurate information to help landowners understand how this process works and to help persuade cooperators to partner with districts on ground-disturbing projects.

Presented by: Underwood Conservation District

Assigned To: District Operations & Education Committee

Recommend DO PASS by the District Operations & Education Committee

Resolution passed



WASHINGTON ASSOCIATION OF CONSERVATION DISTRICTS

Resolution No. 2014-14

Title: Requesting Development of Rapid Permitting and Cultural Resources Reviews During Emergencies

Problem:

During the immediate response to the Carlton Complex fires, landowners began removing debris from streams to prevent culverts from plugging up, there was a need to install emergency response rain gages and temporary flood diversion dikes.

In some cases work was allowed to be done by notifying permitting agencies, while others have waited days, weeks, and now months for implementation because of a need to secure necessary permits and/or cultural resource evaluations.

Meanwhile, homes and lives are put at potential risk due to the lack of these structures, severe weather reporting platforms, and other activities not being installed or completed.

Recommendation:

WACD support the development of statewide permit streamlining or even forgiveness where an emergency has been declared by the Governor and human lives and/or homes are at risk.

Presented by: Okanogan Conservation District

Assigned To: District Operations & Education Committee

Recommend DO PASS by the District Operations & Education Committee

Resolution passed



Resolution No. 2014-15

Title: District Overhead Operating Expenditures

Problem:

Over the past couple of years, many districts that were co-located with NRCS have been forced to move out into their own offices.

The increase of costs to operate and maintain a district office are tremendous. Many districts are now having to pay rent and other costs associated with having your own office, rather than do on the ground projects.

Even though our overhead operating expenditures have increased, the district's ability to cover these costs has not. Granting agencies are decreasing the amount they allow for overhead. Some districts may be forced to shut their doors due to increased operating costs. Some districts are in counties that will not support assessments.

Recommendation:

A request to WACD to identify districts with emergency rental challenges and create a dialogue with the WSCC and NRCS to resolve those issues.

Presented by: Foster Creek Conservation District

Assigned To: District Operations & Education Committee

Recommend DO PASS by the District Operations & Education Committee

Resolution passed

July 2015 Calendar of Events

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1	2	3	4
5	6	7	8	9	10	11 NACD Summer Meeting, Spokane, Washington
12 NACD Summer Meeting, Spokane, Washington	13 NACD Summer Meeting, Spokane, Washington	14	15 SCC Tour—hosted by Clark CD, Vancouver, Washington	16 SCC Business Meeting, Vancouver, Washington	17	18
19	20 Multi-State Conservation Tour/Meeting, Idaho	21 Multi-State Conservation Tour/Meeting, Idaho	22 Multi-State Conservation Tour/Meeting, Idaho	23 Multi-State Conservation Tour/Meeting, Idaho	24 Multi-State Conservation Tour/Meeting, Idaho	25
26	27	28	29	30	31	

Commission members are welcome to attend any or all of the events listed. For more information or are interested in attending, please contact Lori Gonzalez at lgonzalez@scc.wa.gov no later than June 1st to make sure reservations and registrations are received on time.



National Association of Conservation Districts



State Conservation Commission



Multi State Conservation—Idaho, Montana, Oregon and Washington