



Washington State Conservation Commission

July 18, 2018

TO: Conservation Commission Members
Mark Clark, Executive Director

FROM: Ron Shultz, WSCC Policy Director

SUBJECT: Status of Thurston Conservation District Investigation

Requested Action: Information Only

Discussion:

Commission staff have completed their investigation into complaints regarding the conduct of the Thurston Conservation District (TCD) board of supervisors. The results of the investigation have been presented to WSCC Executive Director Mark Clark.

The investigation report covers the evaluation of multiple complaints. The purpose of the investigation was to determine whether any of the complaints revealed conduct potentially arising to neglect of duty or malfeasance by any member of the TCD board. The purpose of the investigation was not to make a final determination, but rather whether any complaints should be brought before the Commission for review, potential hearing, and any final determination.

On July 18, 2018 Executive Director Clark issued two notices of neglect of duty and/or malfeasance to two TCD supervisors. These supervisors have 30 days from the date they receive the notice to provide the Commission with a written response.

After we receive the written responses, or after the 30 days passes and no response is received, the Commission will receive the full investigation report and the written responses. **We ask all Commissioners to not read or review the investigation report until they also receive the written responses.**

Once the written responses are received, or after the 30 days passes and no response is received, the Commission will determine whether a public hearing is required, and the nature of the hearing.

If the Commission determines a hearing is to be held, a notice will be issued announcing the hearing and setting the day, time, and place of the hearing.

WSCC Statutes and Rules

Relating to Removal of a Board Supervisor

RCW 89.08.070

General duties of commission.

In addition to the duties and powers hereinafter conferred upon the commission, it shall have the following duties and powers:

- (1) To offer such assistance as may be appropriate to the supervisors of conservation districts organized under the provisions of chapter 184, Laws of 1973 1st ex. sess., in the carrying out of any of their powers and programs:
- (b) To review district programs;

RCW 89.08.200

Supervisors—Term, vacancies, removal, etc.—Compensation.

The term of office of each supervisor shall be three years and until his or her successor is appointed or elected and qualified, except that the supervisors first appointed shall serve for one and two years respectively from the date of their appointments, as designated in their appointments.

In the case of elected supervisors, the term of office of each supervisor shall be three years and until his or her successor is elected and qualified, except that for the first election, the one receiving the largest number of votes shall be elected for three years; the next largest two years; and the third largest one year. Successors shall be elected for three-year terms.

Vacancies in the office of appointed supervisors shall be filled by the state conservation commission. Vacancies in the office of elected supervisors shall be filled by appointment made by the remaining supervisors for the unexpired term.

A majority of the supervisors shall constitute a quorum and the concurrence of a majority is required for any official action or determination.

Supervisors shall serve without compensation, but they shall be entitled to expenses, including traveling expenses, necessarily incurred in discharge of their duties. **A supervisor may be removed by the state conservation commission upon notice and hearing, for neglect of duty or malfeasance in office, but for no other reason.**

The governing board shall designate a chair from time to time.

WAC 135-110-110

Definitions.

"Malfeasance" means wrongful conduct that affects, interrupts, or interferes with the performance of a supervisor's official duty.

"Neglect of duty" means failure by a supervisor or supervisors to perform mandatory duties. Such duties include, but are not limited to:

- (a) Compliance with laws and rules imposed by local, state, and federal government entities;
- (b) Attendance at a sufficient number of board meetings so as to not impede the work of the conservation district;
- (c) Maintaining a full and accurate record of district business;
- (d) Securing of surety bonds for board officers and employees;
- (e) Carrying out an annual financial audit;
- (f) Providing for keeping current a comprehensive long-range program;
- (g) Providing for preparation of an annual work plan;
- (h) Providing for informing the general public, agencies, and occupiers of lands within the conservation district of conservation district plans and programs;
- (i) Providing for including affected community members in regard to current and proposed plans and programs; and
- (j) Providing for the submission of the conservation district's proposed long-range program and annual work plan to the conservation commission.

[Statutory Authority: RCW 89.08.040, 89.08.190, and 89.08.200. WSR 10-21-084, § 135-110-110, filed 10/19/10, effective 11/19/10.]

WAC 135-110-960

Removal from office.

(1) As provided in RCW 89.08.200, a conservation district supervisor may be removed from office by the conservation commission governing board upon notice and hearing for neglect of duty or malfeasance.

(2) The conservation commission must provide notice to the supervisor detailing the specific elements of the neglect of duty or malfeasance for which removal is sought. The supervisor shall be given the opportunity to respond in writing to the elements contained in the notice within thirty days of the notice to the supervisor from the conservation commission. Notice to the supervisor from the conservation commission shall be by certified mailing to the address of record for that supervisor.

(3) The conservation commission must hold at least one public hearing no earlier than sixty days from the date of certified mailing to the supervisor in the area served by the conservation district supervisor before acting to remove the incumbent from office.

(4) Following the public hearing, the conservation commission shall vote on the removal of the supervisor based on official findings of fact detailing the cause or causes of removal.

[Statutory Authority: RCW 89.08.040, 89.08.190, and 89.08.200. WSR 10-21-084, § 135-110-960, filed 10/19/10, effective 11/19/10.]