



Washington State Conservation Commission

August 23, 2018

TO: Conservation Commission Members
Mark Clark, Executive Director

FROM: Ron Shultz, WSCC Policy Director

SUBJECT: Possible Hearing Date for Thurston Conservation District Investigation Findings.

Requested Action: Set the hearing date and form of hearing for the Commission's action on recommendations relating to the possible removal of certain supervisors at the Thurston Conservation District.

Discussion:

In November 2017 the Washington State Conservation Commission (the Commission) empowered Commission Executive Director Mark Clark to issue notices of hearing, pursuant to RCW 89.08.200, to the Supervisors of the Thurston County Conservation District (the District). The Commission gave this directive in response to complaints it had received about the conduct of the District and its Supervisors.

In response to the Commission's direction and continuation of concerns received by the Commission, Executive Director Clark directed his staff to carry out an investigation of the complaints and report whether any of the activities complained of amounts to a neglect of duty or malfeasance in office.

Commission staff completed the investigation and a report was issued on July 16, 2018. The report contained several recommendations, including consideration of removal of two of the Thurston Conservation District supervisors.

Consistent with the Commission's rules relating to the removal of a supervisor from office by the Commission, the supervisor must be provided notice detailing the specific elements of neglect of duty or malfeasance for which removal is sought. WAC 135-110-960(2). The supervisors of Thurston Conservation District for which removal is sought were provided notice on July 24, 2018.

Once the supervisors have received notice they have 30 days to respond in writing to the elements contained in the notice. WACD 135-110-960(2). The Thurston Conservation District supervisors for which removal is sought responded to the notice on August 14, 2018.

The Commission's rules for the process on removal from office requires at least one public hearing to be held on the issue no earlier than 60 days from the date of the certified mailing to the supervisors of the report. Since the report was received by the supervisors on July 24, the hearing can be held no sooner than September 25, 2018. WAC 135-110-960. Furthermore, the hearing must be held "in the area served by the conservation district supervisor", which in this case is Thurston County.

At the Commission's regular meeting in July a motion was passed stating:

Motion by Commissioner Williams to hold a special meeting after the 30 day period for response has passed, to make a decision whether to hold a public hearing regarding the Thurston Conservation District investigation. Seconded by Commissioner Longrie.

The Commission will satisfy this motion at the special meeting on August 29.

There are two questions for consideration by the Commission when deciding what action to take on the investigation recommendation and response:

Decision Point #1 – Whether to hold a public hearing on the recommendations of the report.

If the Commission determines they would like to address the recommendation of supervisor removal, then a public hearing must be held before a decision to remove can be made.

Decision Point #2 – The nature of the hearing to be held.

The Commission may decide whether the hearing will be a formal adjudicative hearing governed by the requirements of the Administrative Procedures Act, RCW 34.05.; or whether the hearing will be convened under the Open Public Meetings Act. The decision on the nature of the hearing will determine the extent of preparation by all parties that will be needed for the hearing.