

Regular Business Meeting

The Washington State Conservation Commission (Commission/SCC) met virtually on September 17, 2020. Chairman Longrie called the meeting to order at 8:33 a.m.

COMMISSIONERS PRESENT

Dean Longrie, *Chairman and elected west region rep.*

Harold Crose, *Vice-chairman and elected central region rep.*

Perry Beale, *Department of Agriculture*

Larry Cochran, *elected eastern region rep.*

Jeanette Dorner, *Washington Association of Conservation Districts*

David Giglio, *Department of Ecology*

Jim Kropf, *Washington State University*

Terra Rentz, *Department of Natural Resources*

Sarah Spaeth, *Governor Appointee*

Daryl Williams, *Governor Appointee*

COMMISSION STAFF PRESENT

Carol Smith, *Executive Director*

Mike Baden, *NE Regional Manager*

Allisa Carlson, *Central Regional Manager*

Stephanie Crouch, *Administrative Assistant*

Kate Delavan, *Office of Farmland Preservation Coordinator*

Bill Eller, *Elections Officer and VSP Coordinator*

Jean Fike, *Puget Sound Regional Manager*

Josh Giuntoli, *Southwest Regional Manager*

Lori Gonzalez, *Executive Assistant*

Sarah Groth, *Fiscal Manager*

Alison Halpern, *Policy Assistant*

Karla Heinitz, *Management Analyst*

Laura Johnson, *Communications Coordinator*

Shana Joy, *District Operations Manager*

Ron Shultz, *Policy Director*

Ashley Wood, *Fiscal Analyst*

PARTNERS REPRESENTED

Lucy Edmondson, *US EPA Region 10*

Roylene Comes at Night, *Natural Resource Conservation Service*

Sherre Copeland, *US Forest Service*

GUESTS ATTENDED

Please see "**Attachment A**" for full list of attendees.

Consent Agenda

Draft July 16, 2020 meeting minutes

Motion by Commissioner Crose to approve the July 16, 2020 draft meeting minutes with correction by Commissioner Spaeth. Seconded by Commissioner Cochran. Commissioner Rentz abstains. Motion passes.

Draft August 12, 2020 special meeting minutes

Motion by Commissioner Crose to approve the July 16, 2020 draft meeting minutes. Seconded by Commissioner Spaeth. Commissioner Rentz abstains. Motion passes.

Budget and Finance

2021 – 2023 Budget Submittal

Sarah Groth, SCC Fiscal Manager, presents a brief update on the status of the 2021-2023 budget submittal. Ms. Groth tells Commissioners that all budget updates were submitted before the deadline from OFM, and provides a summary of the packages that were submitted (see below).

Operating Budget Proposals (listed in priority order, based on district budget survey results):

- *Conservation Technical Assistance: \$5,000,000*
- *Voluntary Stewardship Program: \$8,462,000*
- *Food Policy: \$600,000*

Capital Budget Proposals (listed in priority order, based on district budget survey results):

- *Natural Resource Investments: \$11,905,000*
- *Conservation Reserve Enhancement Program Riparian Planning (Cost, Share & TA_): \$7,725,000*
- *CREP Riparian Planting (Practice Incentive Payment PIP Loan Program): \$500,000*
- *Regional Conservation Partnership Program: \$7,962,000*
- *Shellfish Funding: \$4,326,000*
- *Irrigation Efficiencies: \$4,000,000*

Fiscal Year End Close: Update

Ms. Groth proceeds to provide an update regarding the 2020 Fiscal Year End close. WSCC asks that conservation districts continue to be mindful of their spending, and to send any surplus back to the SCC. WSCC was able to return 4.5%, or just over \$331,000, to OFM in operating general state funds.

Policy/Programs

Office of Farmland Preservation – Stevenson Farm Agricultural Conservation Easement

Kate Delavan, SCC Office of Farmland Preservation Coordinator, presents on the Stevenson Farm Agricultural Conservation Easement Project. This project has been in development since at least 2014, and has been in front of the Commission previously, and today Ms. Delavan is seeking authorization for the final piece of the project: enter purchasing sale agreement and move to closing. Ms. Delavan presents an update to the SCC Easement Portfolio and Pipeline. SCC does not currently hold any agricultural conservation easements, but does hold a 3rd party right of enforcement on the Lust Farm, where NYCD is the easement holder.

Ms. Delavan presents details on the project; Stevenson Farm & Ranch, a 98-acre property with irrigated alfalfa and livestock, is in Yakima County, about 20 minutes west of the city of Yakima. This project was developed by the North Yakima Conservation District (NYCD). The SCC will hold the easement, and RCO

will be a 3rd party beneficiary. NYCD is subcontracted to support due diligence and landowner correspondence.

Motion by Commissioner Cochran to formally authorize the SCC's Executive Director to sign required documents to purchase an agricultural conservation easement on the Stevenson Farm property. Seconded by Commissioner Crose. Motion carries.

Food Policy Forum Update

Ron Shultz, SCC Policy Director, shares the Food Policy Forum Update. Recent legislation during the 2020 session put the Forum in the SCC statute. In March of this year, the Governor's office asked the Forum to examine the impact of the Covid-19 pandemic on our state's food system. This report, the *Early Action Implementation Report*, was completed in July, and the Commission was briefed on the report and its implications for conservation districts and the Commission at the May Commission meeting.

Now the report is completed, staff are moving to the implementation phase. Forum members have been divided into four groups, each assigned one of the opportunity challenge areas:

- ***Challenge #1:*** COVID-19 threatens both the near and long-term economic viability of individual agriculture and food enterprises; these businesses need appropriate relief and relevant services to continue to remain economically viable and operational as they pivot to serve new market and operating demands during the pandemic and beyond.
- ***Challenge #2:*** COVID-19 public health responses resulted in transformational shifts in the food system requiring systems-level supports and investment to maintain the functional capacity and flexibility of our food system to meet immediate needs and build resiliency for an uncertain future.
- ***Challenge #3:*** COVID-19 has increased the need for nutrition services and assistance due to massive unemployment and economic insecurity for Washingtonians.
- ***Challenge #4:*** COVID-19 underscores the need to foster resilience in the face of a changing climate to ensure long-term food security.

Mr. Shultz reviews the attached document that describes the process these groups will be using to review the list of recommendations in each challenge area and identify specific actions to implement the recommendation. Results are expected at the end of October. This will allow the Commission to have a list of Forum recommended actions in time for legislative consideration should any of the recommendations require legislative action.

Legislative Update

Ron Shultz returns to share the Legislative Preview with the Commission. Although the 2021 Legislative Session is three months away, there's a lot of action on possible legislation. We're hearing of several bills that either are in development or may come up during session. There's also the question of whether the legislature will be called into a special session prior to January. Recent revenue numbers suggest a special session may not be likely. It also depends on what happens in the November elections.

To address current fiscal year shortfall, the Governor cut more than \$200 million from the supplemental budget using his veto authority. Other actions were also taken including a freeze on hiring and personal service contracts. Executive agencies were directed to take furloughs and a hold was placed on the 3%

state employee salary increases taking effect July 1. The Office of Financial Management (OFM) also asked all agencies to submit proposed 15% reductions for the current fiscal year.

OFM is also anticipating federal action to support state and local governments. Whether this comes in the form of new money for states, or whether more flexibility will be provided in the use of funds already available (which for Washington currently totals about \$1.6 billion) will likely hinge upon the outcome of the November national elections.

Revenues: On September 3, the state Revenue and Forecast Council released some good news when they shared that actual revenues since the February forecast are up by \$643 million. This additional revenue will also help the projected shortfall for the current fiscal year. How much? We don't know yet. The next revenue forecast will be on September 23.

Possible Legislation: We are learning of several bills of interest already in development:

- *Public Records Act changes relating to release of ballot information.*

Other legislation we are aware of:

- *Open Public Meeting Act (OPMA) changes.*
- *Agriculture Impact Statement (AIS)*
- *Water Bank in Okanogan County.*
- *Cultural resources review of all state funded projects.*
- *Application of Net Ecological Gain to transportation projects.*
- *Exempting from certain state taxes amounts provided by a government entity for habitat restoration activities.*
- *Accountability and transparency in special purpose elections.*
- *Carbon tax proposals*

Other major policy discussions:

- *Salmon Recovery and Riparian Restoration.*

Commission Operations

Temporary interpretive statement for SCC member election

Ron Shultz and Lori Gonzalez, SCC Executive Assistant presents on the Temporary Interpretative Statement for the elections of the elected positions of the commission. Mr. Shultz provides a brief background on the interpretive statement: In 2013, the Commission felt the need to clarify the roles and responsibilities for how elections are carried out for the elected positions on the Commission. It then passed the interpretive statement that has been used since that time. Due to the ongoing COVID pandemic, and the move by WACD to host an all-virtual meeting, it changes how elections will be carried out this year, and thus calls for a revision of the interpretive statement. Rather than revise the original, Mr. Shultz and Ms. Gonzalez felt it more appropriate to release a temporary interpretive statement until no longer necessary. This temporary interpretive statement will terminate at the end of December 2020.

Ms. Gonzalez presents on the election process that will take place during this election. The election process will be sent out once this has been approved. Ms. Gonzalez has been working closely with WACD, and WSCC will be using the same secure, virtual voting system during their upcoming election.

Motion by Commissioner Crose to adopt the temporary interpretive statement as detailed in the memo (Tab 1F). Seconded by Commissioner Beale. Motion Carries.

2021 Commission meetings proposal

Shana Joy, SCC Regional Manager Coordinator, presents the potential Commission meeting locations and dates. Ms. Joy recognizes that no meetings were able to take place as planned during 2020 due to inclement weather or the COVID-19 pandemic. Because of this, Ms. Joy recommends the 2021 hosts be the same hosts as planned in 2020, assuming meetings can be conducted safely and within budget constraints.

Motion by Commissioner Spaeth to approve the proposed, potential Commission meeting locations and dates for 2021 in the event that in-person meeting(s) can be conducted safely and within budget constraints. Seconded by Commissioner Cochran. Motion carries.

Presentation: King Conservation Election

Chris Porter, a member of the King Conservation District Board of Supervisors, presents his experience of running for district supervisor and the challenges faced using two different election processes. Some of the challenges faced included miscommunication, lack of outreach, and confusing procedures. Mr. Porter is calling for election reform so as to increase representation of voters and extend the opportunity of all to run for the elected positions within conservation districts' board of supervisors.

District Operations

Election WAC Changes

Bill Eller, SCC Voluntary Stewardship Program Coordinator and Election Officer, presents on the proposed changes to WAC Chapter 135-110 and the Election Guide. Mr. Eller thanks Mr. Porter for his presentation highlighting the challenges faced, some of which will be addressed today. Mr. Eller presents some of the background of the elections, including the enabling statute in RCW 89.08.190. This led to the creation of WAC 135-110, which is what is being amended today. Mr. Eller review the CD Election Timeline; districts are currently undergoing election training, reviewing procedures, and adopting policies. This process began two years ago when the Commission directs staff to look into the election WAC changes. Mr. Eller then provides an overview of some of the key changes in the WAC, highlighted below. These changes will necessitate a change to the election manual. SCC has followed guidance to change the manual to a guide and edited as needed.

Motion by Commissioner Williams to approve staff recommended changes (key changes outlined below, a full draft of the proposed changes is attached to packet item Tab 1H) to WAC Chapter 135-110 and adopt the changed rule as final. Seconded by Commissioner Crose. Motion carries.

1. Removing the distinction between absentee, mail-in, or in-person ballots
2. Consolidating candidate types into just two – those who will appear on the ballot and those who will not
3. Eliminating the automatic disqualification of write-in candidates when a ballot contains a candidate whose name is pre-printed on the ballot
4. Eliminating nominators and the nominating petition
5. Creating a distinction between candidate required and optional information
6. Aligning the CD election retention schedule with the Secretary of State's schedule
7. Setting deadlines for certain notices, reporting, and form submittal
8. Requiring CD staff to be trained in conducting elections, as per the adopted EQAP
9. Explicitly allowing election supervisor duties to be delegated to others
10. Requiring poll sites to be open for a minimum of 4 consecutive hours
11. Setting out the procedure and effect of candidate withdraw
12. Clarifying who can serve as polling officers
13. Clarifying when electronic signatures and filing can be used
14. Setting out the procedure for complaining about or challenging an election
15. Setting out the procedure for filling vacancies in elected positions

Motion by Commissioner Crose to adopt the revised Election and Appointment Guide as final. Seconded by Commissioner Cochran. Motion carries.

CD Elections & COVID-19

Mr. Eller returns and presents the next item on the agenda, concerning CD Elections & COVID-19. Due to the ongoing COVID pandemic, district elections will have to be conducted much differently this year. The Commission staff recommends conservation districts take appropriate precautions to ensure safety

Motion by Commissioner Williams to recommend all conservation districts consider taking the necessary steps to protect voters, candidates, CD staff and polling workers during the COVID-19 pandemic. Further recommend conservation districts review and consider the actions identified by Commission staff in the memo to the Commission dated September 17, 2020 and titled "Conservation District Elections and the COVID-19 Pandemic". Commission staff will distribute the memo and appendix to all conservation districts for their consideration as they plan for the district supervisor elections. Seconded by Commissioner Beale. Motion carries.

District Operations and Regional Manager Report

Mike Baden, SCC Northeast Regional Manager, presents the next item on the agenda. Although Regional Managers are continuing to work during COVID, they are continuing to stay connected to their districts. Regional Managers are working with L&I and MRSC to update Operations Brief to go out to Districts in response to wording in old brief that L&I had issues with, and they hope to roll out new brief along with MRSC when they complete updates of suggested guidelines. Regional Managers have worked with districts on a number of personnel hiring matters including hiring processes.

Supervisor pocket guide has been updated and is available digitally. Training modules are complete and will be rolling out each of the 5 over the next few months. In addition to modules, Regional Managers will provide guidance to CD boards on how to use modules.

Voluntary Stewardship Program five-year report template and database update

Bill Eller returns to share a brief update on the VSP five-year report template and database. Counties have to provide updates, but the five-year report isn't based on when the plan was approved, but when the county received funding. The way VSP works is the county receives funding and they have three years to craft their plan. The practical effect of how the statute works is only reporting on about two years of actual VSP implementation on the ground, which was seen in the pilot counties' reports. The template will be used to input the data that the SCC Director needs, as they are the decision makers in this statute. This information will be used to either agree or disagree that the counties are meeting their VSP goals and benchmarks. The first three counties that are up, Kittitas, Mason, and Garfield, have just received their template for submittal. This upcoming session will be recorded for future viewing.

Tour of the new SCC Website

Laura Johnson, SCC Communications Coordinator, gives a tour of the new SCC website. Ms. Johnson expresses the collective excitement of the agency surrounding the new site's design, including the accessibility and different features the site offers.

SCC General Update

SCC Executive Director Smith provides an update, and specifically speaks on wildfire impact. SCC will help those affected as much as possible, but recognizes it can be hard to do so on limited funds. SCC has found some money for support, but what there is not funding for immediate need, such as emergency hay and erosion control. Commissioner Giglio shares that ECY has a number of agreements with Conservation Districts, and in the past, these agreements can be amended to allow money to be repurposed in times of crisis. Commissioner Williams shares that the Tulalip Tribe has a store of hay that may be allocated to Conservation Districts in need.

Presentation: South Douglas Conservation District Virtual Tour

Carol Cowling, South Douglas Conservation District Manager, begins her virtual tour of South Douglas CD. There has been lots of positive movement within the community, including fuels reduction, micro sprinklers, wind breaks, composting facility in Orondo, fencing with Trusting Spirit Horse Rescue. Future projects include: Moses Coulee, McCartney Creek, develop pollinator habitat, weed control, water quality, wildlife habitats, and irrigation efficiencies. Wildfire damaged a large portion of the district, and has affected many landowners.

Executive Session

Chairman Longrie calls for an executive session per [RCW 42.30.110 \(1\) \(f\)](#) at 1:20 p.m. to receive and evaluate complaints or charges brought against a public officer or employee.

Motion by Commissioner Cochran to authorize Director Smith to begin process of investigation into complaint received. Seconded by Commissioner Crose. Motion carries.

Chairman Longrie adjourns the meeting at 2:02 p.m.