

**Skamania County Public Utility District #1
Regular Meeting of the Board of Commissioners**

June 7th, 2010

A regular meeting of the Board of Commissioners was called to order by President Curt Esch at 9:00 a.m. at the PUD office in Carson, WA. The following persons were present: Commissioner Curt Esch; Commissioner Clyde Leach; Commissioner Dennis Gale; Manager, Bob Wittenberg; WO Specialist, Shonna Taylor; Attorney, Ken Woodrich; and Bob Talent.

Commissioner Leach made a **motion** to approve corrected Minutes of the May 17th, 2010 Meeting. Commissioner Gale **seconded** the motion.

Bob Talent announced his candidacy for PUD Commissioner, District #2.

Commissioner Leach wanted an explanation from Attorney Woodrich of what constitutes executive session. Attorney Woodrich explained executive session is to discuss the performance of a public employee or to discuss changes to salary or performance. If there is a complaint against the employee, employee must be present. The employee has the option to be in executive session or open session.

The Meeting was called into Executive Session to discuss the evaluation of a public employee at 9:12 a.m., estimated for 30 minutes.

At 9:40 a.m. the Executive Session was extended for an estimated 30 minutes.

At 10:10 a.m. the Executive Session was extended for an estimated 30 minutes.

The meeting reconvened into Regular Session at 10:45 a.m.

OLD BUSINESS

- **Performance of Auditor-** Commissioner Gale expressed his concerns of the performance of the Auditor and made a **motion** to terminate the employee in the Auditor position effective this date. Motion was **seconded** by Commissioner Esch. Commissioner Leach discussed his position on the termination and explained that he has a strong “no” on the termination and totally disagreed. He also explained that the concerns the Board brought forth in Executive Session with the Auditor have all been explained. The District has had clean audits for the entire time this Auditor has been in the position and he feels that there is no cause for termination.

Manager Wittenberg asked for clarification from Attorney Woodrich on RCW 54.16.100; Wittenberg’s understanding is the Board appoints the Manager, Attorney and Auditor. Wittenberg explained that in addition to the Auditor’s job duties of reporting the financials of the District to the Board, this position also has several other managerial duties, the Office Manager, IT Manager, Conservation Manager. Wittenberg’s understanding is the Auditor reports to the District Manager in the other positions and in this situation, is the Board just relieving the public employee of the duties of Auditor.

Attorney Woodrich explained this would default under municipal law and the position is considered an At -Will Employee unless one of the following three items exist:

1. Employment Agreement,
2. Bargaining Unit.
3. Civil Service, Police or Fire Department.

Commissioner Esch agreed with Attorney Woodrich and felt the Board has the power to terminate the public employee.

Commissioner Gale asked for the opinion of Shonna Taylor. Ms. Taylor explained the reasons she is against the termination.

Humaira Falkenberg, Project Manager, joined the meeting at this time and asked for permission to be heard on this matter.

Commissioner Leach feels that the reasons for termination are not sufficient with 11 years of employment and there have been no derogatory reports from the State Auditor's Office.

Manager Wittenberg explained that he would like the Board to write down their expectations and concerns and also noted the District's clean audits.

Commissioner Leach also discussed delegating duties and stated that managers should delegate as long as the person doing the job can accomplish it.

Commissioner Esch expressed concern that input from others outside of the Commission would muddy the waters on the termination matter and asked for attorney clarification.

Attorney Woodrich said that who participates in discussion was up to the Board, but he felt the discussion was very good and necessary and that the Commission should have all the information both from Executive Session and Open Session.

Humaira Falkenberg made an appeal to the Board and stated the reasons she is against the termination.

Manager Wittenberg stated the lack of written direction. If this termination passes he will need time to replace the duties of Office Manager, IT Manager, and Conservation Manager.

Attorney Woodrich discussed exempt or non-exempt employees and the wage and hour laws working under PUD Manager or Board. He encouraged the Board to take a hard look at the job description and development should come from the Manager of PUD, Attorney and the Commission.

The Board asked for comments from Bob Talent. Bob Talent felt that this position should have a very detailed description, past evaluations and any problems should be stated in writing and the employee should have the chance to correct.

Commissioner Gale moved to **withdraw the motion** to terminate the Auditor position. Commissioner Leach **seconded** the motion to withdraw.

Commissioner Esch would like discussion on this such as accountability, answer to questions and outline.

Attorney Woodrich stated that Manager Wittenberg should present proposed criteria.

Commissioner Leach wants a good job description of this position and any problems spelled out in writing to the Auditor.

Attorney Woodrich stated this will give the Auditor an opportunity to meet performance criteria.

Commissioner Leach stated the job description will be totally different than it was 11 years ago.

Commissioner Gale does not want to terminate the Auditor based on one evaluation. He further stated that a probationary period should be established following development of defined performance criteria, job description, and a subsequent performance review within three to four months. Attorney Woodrich expressed a preference to call it an "evaluation period" to avoid any inadvertent "for cause" requirement.

Commissioner Esch called for the vote. All in favor to **withdraw motion** to terminate the Auditor. **All 3 commissioners in favor to withdraw.**

A Special Meeting will be held on June 16, 2010 at 9:00 a.m. to write a new job description for the position of Auditor and identify criteria on performance to be held in open session with Manager, Auditor, Commission, and Attorney for the District.

Manager Wittenberg noted that this has been a very stressful time and this is a big step in the right direction.

NEW BUSINESS

- **Underwood Water Leak** – Very large water leak was discussed. Customer proposed an alternative adjustment than was received from the PUD. Manager Wittenberg will research and offer further comment on this at the next scheduled meeting and do a proposal of new water leak policy.

COMMISSIONER REPORT

- **June –July 2010 Newsletter** – Commissioner Leach commented on the article Commissioner Esch wrote on the front page of the newsletter. He was concerned and upset that he was not contacted about the article for approval, nor was Commissioner Gale, especially since the article contained personal information about himself and Commissioner Gale. He also noted that five years ago he wanted to develop a "Commissioner's Corner" and he was not allowed.

Commissioner Esch apologized to Commissioner Leach. He further explained that he had asked PUD staff to let him know of any changes that were made to the article. It was his understanding, PUD office staff would electronically forward the article to Commissioner Leach and Commissioner Gale for approval prior to printing, per Commissioner Esch's request.

Commissioner Gale expressed that any article in reference or written by a commissioner needs to go to the entire Commission for approval. Commissioner Gale agreed with Commissioner Leach, he also, had a problem with the article.

Commissioner Esch further explained that he was approached by the front office at the PUD to write the article, he submitted it, waited for changes, and asked to be notified of any changes. It was his complete understanding the entire Commission had seen the article, per Commissioner request. Commissioner Esch did not feel the article was political and again apologized.

Commissioner Leach does not want the rest of the newsletters to go out.

Attorney Woodrich advised that if there is an article from a commissioner in the newsletter, the article should be approved in an open meeting.

Bob Talent made comment that he thought it would be a good idea if each commissioner did an article because it gives the public an opportunity to get know them.

Meeting broke for lunch at 12:35 p.m. Bob Talent exited the meeting at this time.

Meeting reconvened at 1:32 p.m..

COMMISSIONER REPORT, continued

Commissioner Leach wants a policy on newsletters.

Commissioner Esch requested staff supply emails regarding newsletters to other commissioners.

Commissioner Leach inquired about the Washington PUD Association Meeting in Wenatchee scheduled for June 10th and 11th; he questioned if it was important for commissioners to attend.

Commissioner Gale reported that the PUD Association wants Commissioner input, due to the Managers being involved in so many different areas.

Commissioner Gale questioned the IOU and Residential Exchange Look-Back payments, and asked more information be presented at the next meeting.

VOUCHER APPROVAL

The following vouchers were approved for payment by a **motion** made by Commissioner Gale.

Voucher	Number	Amount
Electric System	44959 - 45042	\$ 731,842.24
Carson Water	5609 - 5617	\$ 4,325.34
Underwood Water	3338 - 3345	\$ 6,195.65

Commissioner Leach **seconded**, and the motion was **carried unanimously**.

The Meeting Adjourned at 3:05 p.m.

Curt C. Esch, President

Clyde D. Leach, Secretary

The next regular scheduled Board of Commissioner's Meeting will be:
Monday, June 21st, 2010 at 9:00 a.m.