

Board minutes reflect district conservationist controversy...

MINUTES: WHY THEY MATTER

(Continued From Page 1)

equal responsibility for the breakdown of teamwork, communication and cooperation in the office. We don't feel that Shaw is providing quality service to our cooperators or that he is effective in working with the district board. The district board has lost total confidence in Shaw.

"We do not want to place a new employee into a bad situation. Therefore, we do not plan to replace our district secretary until NRCS further addresses the situation with Shaw to our satisfaction. We realize that this action will affect our district operations and secretarial assistance to NRCS, but to put a new employee into the current working environment would not be fair to the employee and would not correct the existing problems in the office.

"We request that you meet with the district chairman as soon as your schedule permits to discuss what actions you plan to take in regard to Shaw. Our goal is to get the NRCS/conservation district office back to a safe, comfortable, stress-free working environment that fosters teamwork and cooperation. We know that this is your desire also and we look forward to working with you on this issue."

The letter was signed by Steve House, then board chairman. (Brandon Webb is current chairman.)

July 9, 2003, Meeting

At the next board meeting, on July 9, 2003, Watonga Mayor Richard Hightower attended to discuss his concerns. Hightower had retired as district director for the Farm Service Agency, whose office is next door to BCCD, and had worked closely with Shaw for 15 years.

Hightower stated that he was there in Shaw's behalf but that Shaw had not asked him to come.

Minutes recorded that Hightower took issue with some of the statement made in the June 11 letter to James D. Wood II.

Following are the July 9 minutes on that point:

"1. The letter seemed to Hightower to be arbitrary and not based on ascertainable findings concern-

ing Shaw.

"2. The letter stated, 'We (district board) felt that both employees needed to make major and immediate improvement in the areas of communication and cooperation.' Hightower stated that this was only possible if both made an effort. He asked, 'Did both make an effort?'

"3. The letter stated [that Shaw had equal responsibility for the problems]. Hightower asked how the board arrived at this conclusion. He stated that the board should have asked how Shaw gets along with other employees or with previous secretaries.

"4. The letter stated [that the board did not feel Shaw was providing quality service to cooperators]. Hightower stated that, as district director for FSA, he worked with 10 different district conservationists and could say that Shaw was cooperative and performed his job in relation to FSA in a professional manner. As a district cooperator he feels he has received excellent service and has not heard any comments to the contrary.

"5. The letter stated [the board did not want to place a new employee in a bad situation and therefore would not replace the secretary until NRCS addressed the situation with Shaw]. Hightower asked if the board was saying Shaw is the problem. What would they base this conclusion on? He further stated that the letter began by saying the conservation

district and NRCS must develop and maintain a team effort. The last statement in the letter, according to Hightower, appears to be contrary to the board's stated goal.

"In conclusion, Hightower stated that he thought that the board and Shaw should put this behind them and concentrate on a future partnership.

"Steve House thanked Hightower for his presentation and presented him with a copy of the approved minutes from June 11 as requested ... Wes Masonhall complimented Hightower on his presentation..."

Later, the board held a discussion with Jamey Wood, NRCS assistant state conservationist. Minutes stated:

"...he felt communication was critical to the success of the partnership. Wood stated that he has some concerns regarding the partnership and customer service in Blaine County. Wood said he is working closely with Shaw to address those concerns. Wood went on to say that personnel matters between NRCS personnel and their supervisor were strictly confidential. However, he would work to keep the lines of communication open between himself and the board.

"Brandon Webb stated that, in conversations, Shaw had indicated he needed additional help. Webb asked Wood if there was additional assistance available to Shaw to help him with his workload.

"Wood responded by stating he had instructed Shaw to ask surrounding district conservationists for assistance and, if additional assistance was needed, to make that request to him. Wood went on to explain that was how EQIP applications had been completed this past month. Wood stated there was a soil conservationist vacancy in this office and he was not sure when or if he would be able to fill that position. He also said they were working diligently to provide the technician training.

"Clay Loosen asked how much help there was in other counties and if there was more work to do in those counties. Wood identified the number of employees in surrounding field offices and explained that

Canadian County had received 240 EQIP applications, Blaine County had received 80-90, Major County 180 applications and Dewey County 190. Loosen asked why there was such a lower number for Blaine County. Shaw stated that it was because many of the cooperators in Blaine County already had contracts on file from the past five years and that a lot of work had already been done in this county.

"House stated that the item needing to be addressed was concerns related to the partnership. House explained the amount of turnover that has occurred in the Blaine County office over the past several years and that the common denominator was that Shaw was still here.

Shaw responded by saying that all employees mentioned except for Ice had left for a promotion.

"House stated that the board had a loss of confidence in the district conservationist, noticed a loss of producer activity in the county and felt it was time for a change in leadership in the DC position. He went on to say that the current situation is not working, that the letter sent to Wood was severe but accurate and was approved by the board prior to being sent. House said the board is looking for assistance from NRCS to resolve this matter. Further, the board is not on a witch hunt; they have a higher goal they are trying to attain, quality customer service.

"Shaw stated that he has gone to each board member personally to try to work through issues. He stated he was not aware of the problems previously and asked that the board be patient as he tries to regain permanent staff. He went on to say that he has enjoyed working with this board in the past.

"Wood stated he will pursue quality customer service and will work with everyone in Blaine County to achieve that goal. He also stated he would continue to work with Shaw to address specific concerns."

Later, the minutes stated:

"At this time Rod Shaw requested of the chairman that he be allowed to revisit his district conservationist report. Shaw stated that he wished to share with the board the PRMS goals

as defined for Blaine County. He stated that there were 19 goaled items and that he had always accomplished his goals.

"House stated he was not disputing Shaw's ability to get things accomplished on paper; reaching goals has not been the issue. House went on to say that the issue before them today was a lack of leadership and confidence in the DC.

"Shaw stated that he believed that performance would improve if permanent staff was placed in the office."

Aug. 13, 2003, Meeting

Minutes stated:

"At this time Rod Shaw stated he wished to clarify and provide accurate information concerning himself as the district conservationist in Watonga to set the record straight concerning the amount of turnover that has occurred in Blaine County and the only common denominator being 'Shaw was still here.' He went on to say, 'Since it was said and implied that I ran off the past two secretaries and technicians, I feel it necessary to provide you the following information:

"Charlie [Sawyer] was here when I began work here and hasn't left. The district has had five employees during this time. Zelma Lois Schenk retired. Jenean Perryman

bought a flower shop. There were never any problems between these employees and myself. Vicki Martin took a better position with NODA. She recommended me for 'Boss of the Year' with Watonga Chamber of Commerce. The only district employee I ever had a problem with was Cyndi Ice. This does not include district staff in Okeene, Geary or Hinton.

"There have been six previous board members that I have worked with and never had any problems - J.L. Matli, Kay Garriott, Darl Smoot, Marlin Ivins, Clarence Heath and Emil Loosen. [Concerning NRCS employees]: Delbert Pearson, technician, retired. Shelly Oliphant trained here and promoted to DC at Alva. Audra Goff trained here and promoted to DC. Lyle Williams, technician, quit due to Ice. Rusty Peterson, soil conservationist, promoted to DC in Perry. Mike Sheik, soil conservationist, promoted to DC in Kingfisher. Roy Walton transferred from Okeene against his wishes by the state office. He transferred to Fairview to have a shorter drive to work and where his district secretary does all his computer work for him.

"I'm sure I have left some off but positively none left as implied by House in last month's meeting. Since I have been in Watonga, I have had five supervisors - Les Conner, George Moreland, Leroy Tull, Jasper Parker, all experienced, supportive and knowledgeable, and currently Jamey Wood. That is an average of one every three years.

"In three months I will have served for 25 years. I have had ratings every year that were at minimum satisfactory to outstanding with grade and within grade increases. I have received numerous spot awards and cash awards for things such as statewide civil rights awards. I have never had a poor rating or an OTI (opportunity to improve) and currently have none. The bottom line is I am taking a leadership role and trying to put things behind me."

"March 9, 2004, Meeting

Acting district conservationist Mark Benton introduced himself. Assistant state conservationist Jamey Wood stated he had requested Benton to come to Blaine County on a detail assignment and that Rod Shaw had been detailed to East Canadian County to assist with its workload.

"This time will allow Jamey to evaluate the situation of tense relations within Blaine County and Central North Canadian River Conservation Districts," minutes stated.

Later, under New Business:

"Chairman Steve House thanked Richard Hightower for attending. Chairman House asked Hightower if he had a conservation-related issue

he wished to bring before the board. Hightower replied, 'No, I am here as a producer and this is a matter of board responsibility.' House asked Hightower what length of time he anticipated this matter taking. Hightower stated five minutes. House asked him to proceed.

"Hightower began by submitting a letter in reference to his opinion of the Blaine County board of directors' responsibility for the reassignment of Rod Shaw. He presented each member with a copy and then read it aloud:

"As you are aware, Rod Shaw has been transferred by NRCS to El Reno at your request. This is a sad occasion for Rod, both professionally and personally. This is a sad occasion for this community, where Rod is well respected. This is a sad occasion for the farmers-ranchers of Blaine County for whom Rod provided excellent service. This should be a sad occasion for you because you are responsible. In my opinion the actions you have taken are despicable, sickening, cowardly and totally unjustified. Your service on this board is a public trust. It is my opinion that you have violated this trust and you should have the decency to resign."

"After the presentation House commented that BCCD is one of four conservation district boards in this county. Wes Masonhall asked if Hightower would be going to the other district boards to address this issue.

"Hightower stated in his opinion BCCD holds the sole responsibility and he has no intention of speaking to the other boards.

"Wes Masonhall: Do you feel there is one person responsible or do you blame the whole board?"

"Hightower: I feel everyone on the board is responsible for the action taken but he feels House is the driver for the action taken.

"House stated, this is an unjust and uninformed opinion. We are not trying to shut you out. There were problems here that required us to address in order for this board to function. I am upset you have never contacted me or any of the other board members in reference to his.

"Hightower stated that House was not objective. I recall at a board meeting House yelled out Rod Shaw is still here and said this three times.

"House replied that he does not recall saying that and that Hightower has taken information out of context to benefit Shaw.

"House: I take offense to this letter; Rod Shaw works for NRCS; he is not our employee.

"Hightower: It has so damaged Rod personally and professionally. The talk coming from my wife's beauty shop is that Rod got fired."

(Continued On Page B12)

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The *Watonga Republican*

Board minutes record controversy over district conservationist

By Darrell Rice

Personnel matters of public agencies are normally addressed in closed sessions to protect privacy interests and to allow frank discussions, but issues relating to the controversy over the temporary reassignment of Blaine County Conservation District Director Rod Shaw crop up in monthly board meeting minutes.

As of March 8 Shaw was indefinitely reassigned as soil conservationist at El Reno while Mark Benton, who had been soil conserva-

ing district director here.

Board minutes reflected that the action was taken by the Natural Resources Conservation Service, Shaw's employer, after a written request from Blaine County Conservation District (BCCD) board members. The request was made as a result of conflicts between Shaw and former district secretary Cyndi Ice, who submitted her resignation June 11, 2003, in the course of an executive session held concerning "employment, possible disciplinary

district secretary.

Ice also signed a "notice of personnel action."

At the same meeting Steve House, who was then board chairman, "presented a draft letter to the board for review and possible signature that outlines the current office situation in Blaine County," according to the minutes.

Board members Glenn Smoot, Brandon Webb, Wesley Masonhall and House unanimously voted "to refer the letter as written to NRCS,"

absent.

June 11, 2003, Letter

The June 11 letter sent to James D. Wood II, assistant state conservationist with NRCS in Stillwater stated:

"BCCD and the NRCS must develop and maintain a team effort among the district board members, district employees and NRCS employees to have an effective office operation and to carry out our programs. As you know, this team effort has not existed for some time

communication, cooperation and respect between Rodney Shaw, NRCS district conservationist, and Cyndi Ice, conservation district secretary and board members.

"Although the district board and NRCS worked to improve this situation, efforts did not result in a positive outcome. That is why the conservation district board, in March 2003, put the district secretary on a performance improvement plan. We asked you to take similar action with Shaw. We felt that both employees needed to make major and immedi-

ate improvement in the areas of communication and cooperation.

"Unfortunately, the desired improvement has not taken place and additional actions are necessary to improve the working environment and service to our customers. The district board accepted Cyndi Ice's resignation, effective June 25, 2003, and she has been placed on paid administrative leave until that date.

"We now look to NRCS to address the issue of Shaw's performance. We feel that Shaw has to share

(Continued On Page 3)



GOOD MINUTES START FROM GOOD AGENDAS

Two of the most important permanent records a district has; they capture the history of the district and the business it conducts.

Help to ensure transparency in government.





WHY HAVE A GOOD AGENDA?

Reduces Waste

Save time and resources by focusing on the matters at hand

Preparation

Can help speakers prepare for what they will talk about

Participation

Outlines what will be talked about allowing board members to be more prepared

Stay on Track

Prevent wasting time, stay focused, and get back on track if discussions wander

Important Topics

Ensures topics that need to be covered are covered





WHY HAVE GOOD MINUTES?

Legal Protection

Document crucial details; recognized as legally binding documents

Structure

IRS and courts consider it important that a reasonable effort to report the facts of the meeting is made

Action

Clarify how, when, why, and by whom decisions were made and map out a plan for the action items

Measuring Stick

Useful tool to measure progress; accountability tool to make clear who's duty it is to perform what actions

Ownership

Tells the board and public who voted for what and how; provides some legal protection



AGENDAS





What should always be included on the agenda?





AGENDA BASICS

Clear & Concise

- Leave “Cliff Notes” off the official copy
- Use professional language that is free of errors
- Use an easy to read layout, including fonts and colors
- Limit use of acronyms
- Verify titles, proper names, etc. are accurate

Always Include

- Meeting date
- Time
- Meeting location address

Language to Allow Action

- Use agenda language that will all necessary and needed action
- Wording can limit the board's ability to take appropriate action



AGENDA TIPS

Board Meeting Folder

- A landing spot for meeting related items all month
- Single location of information when drafting the agenda and preparing packets

Review Previous Agendas

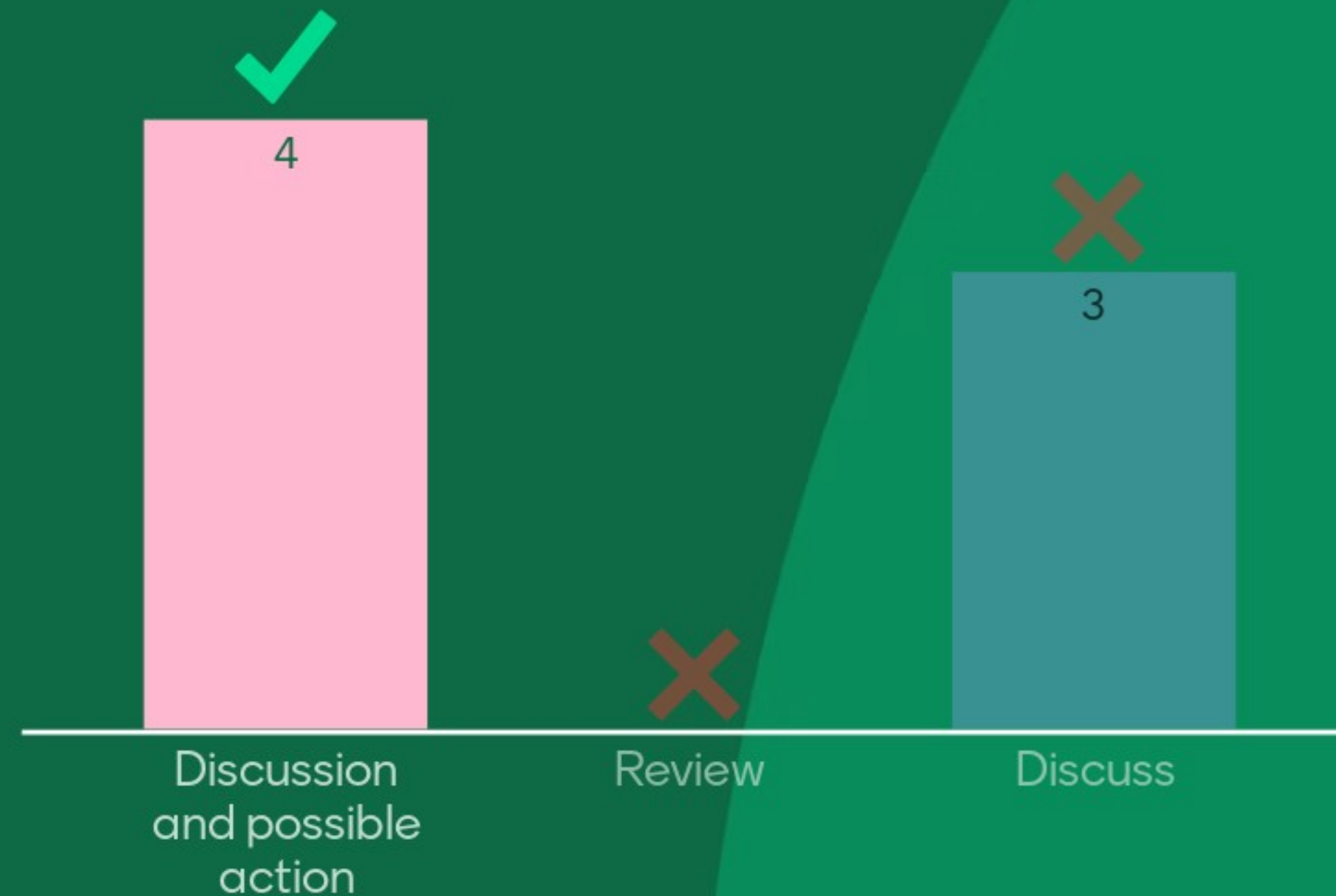
- Look at past agendas and minutes
- Are there re-occurring items that need to be covered?

Avoid “Just in Case”

- Do NOT include items that are “just in case”
- Each item must be specific to the topic and possible actions



Which provides the least restriction for a board to take action?





“DISCUSSION & POSSIBLE ACTION”

This language is considered the best practice on agendas

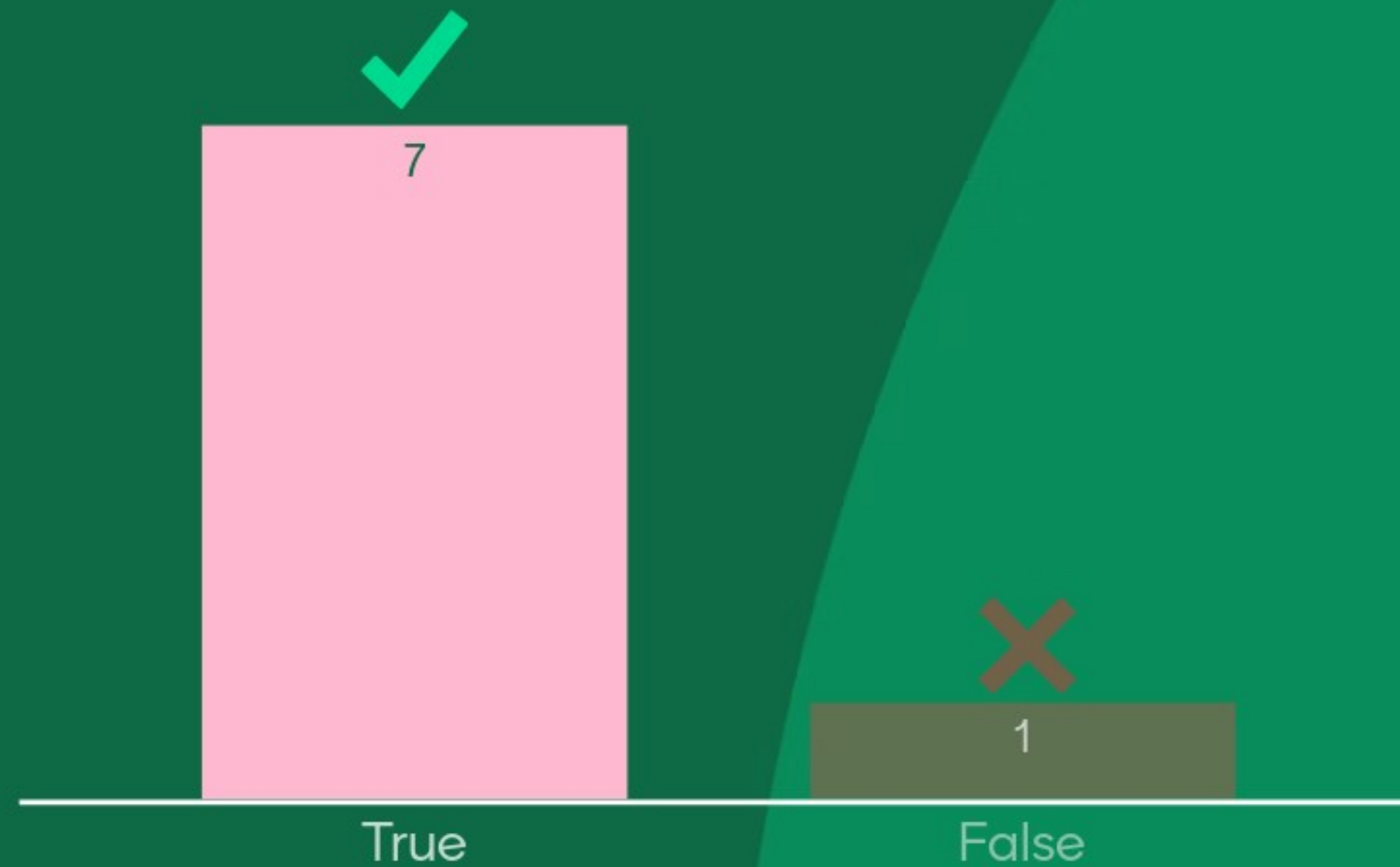
Allows the broadest possible action by the board, while still being clear & concise

Any other wording may result in limiting the board's ability act on an item

- Examples: review, discuss, and “consideration of”



Items may be considered out of order on the agenda.





ITEMS CONSIDERED OUT OF ORDER OF THE AGENDA

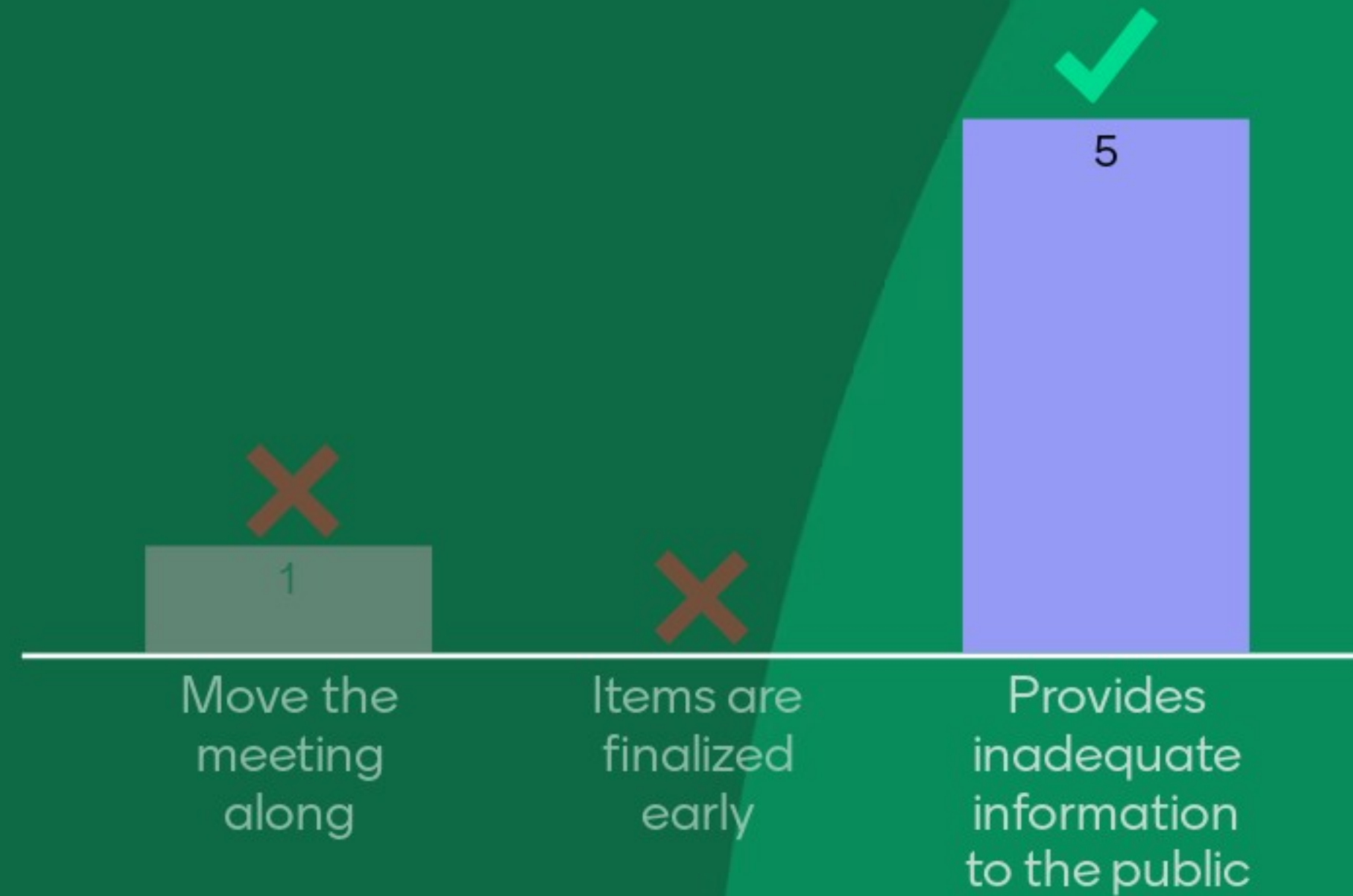
Items may be taken up in an order different than listed on the agenda

Be consistent in how minutes are written to handle reordered items

If minutes are written to reflect the order of the meeting, include information stating the chair re-ordered the agenda to take up item “x” at “x” time during the meeting



What is one reason NOT to use a consent agenda?





CONSENT AGENDAS

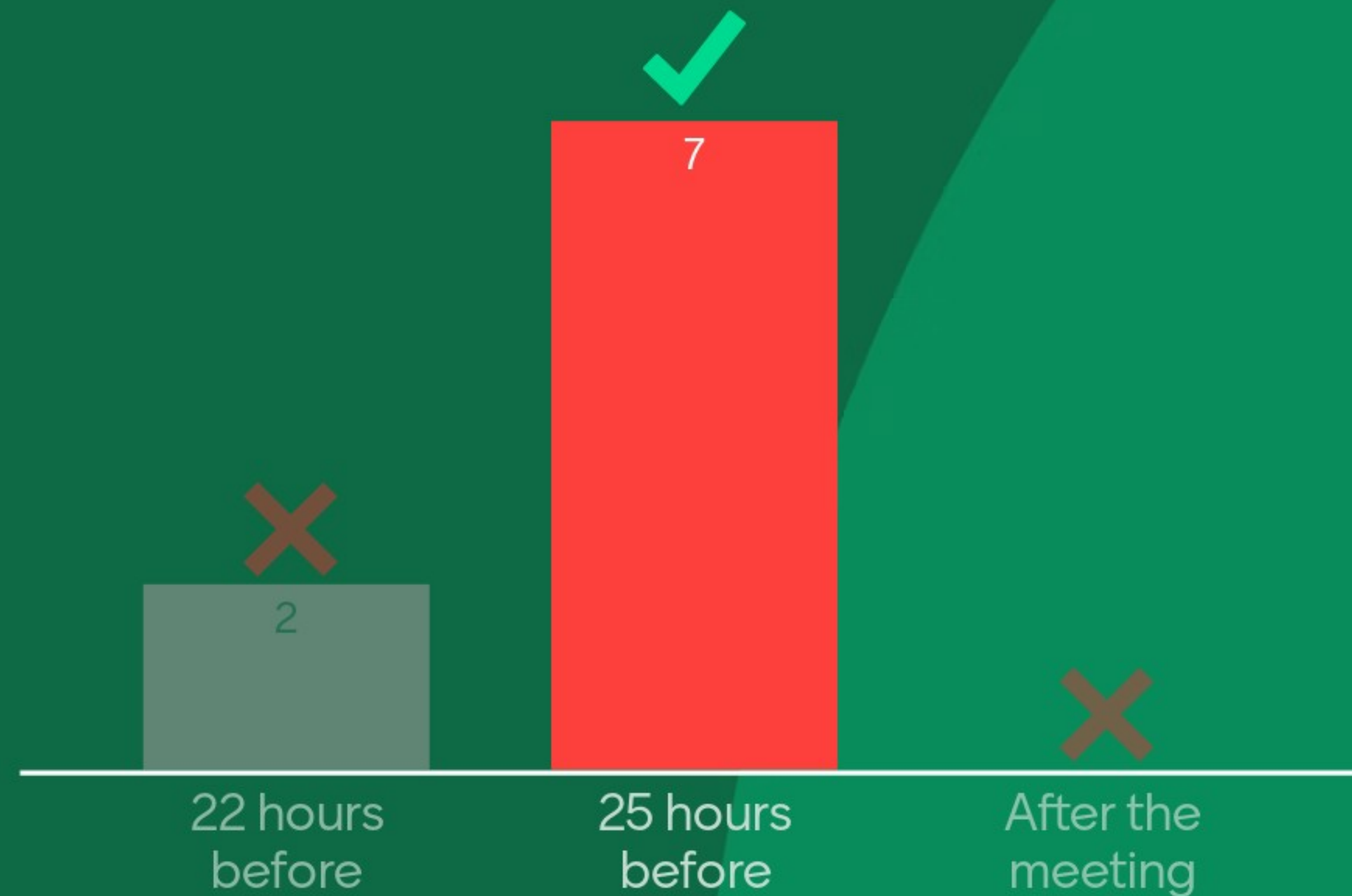
Not recommended

Too often result in items being missed or not properly discussed and do not adequately provide information to the public about what will be discussed

Tread carefully if using a consent agenda
– invites OMA violations & requires early finalization of documents



When can the agenda be revised?





REVISING THE AGENDA

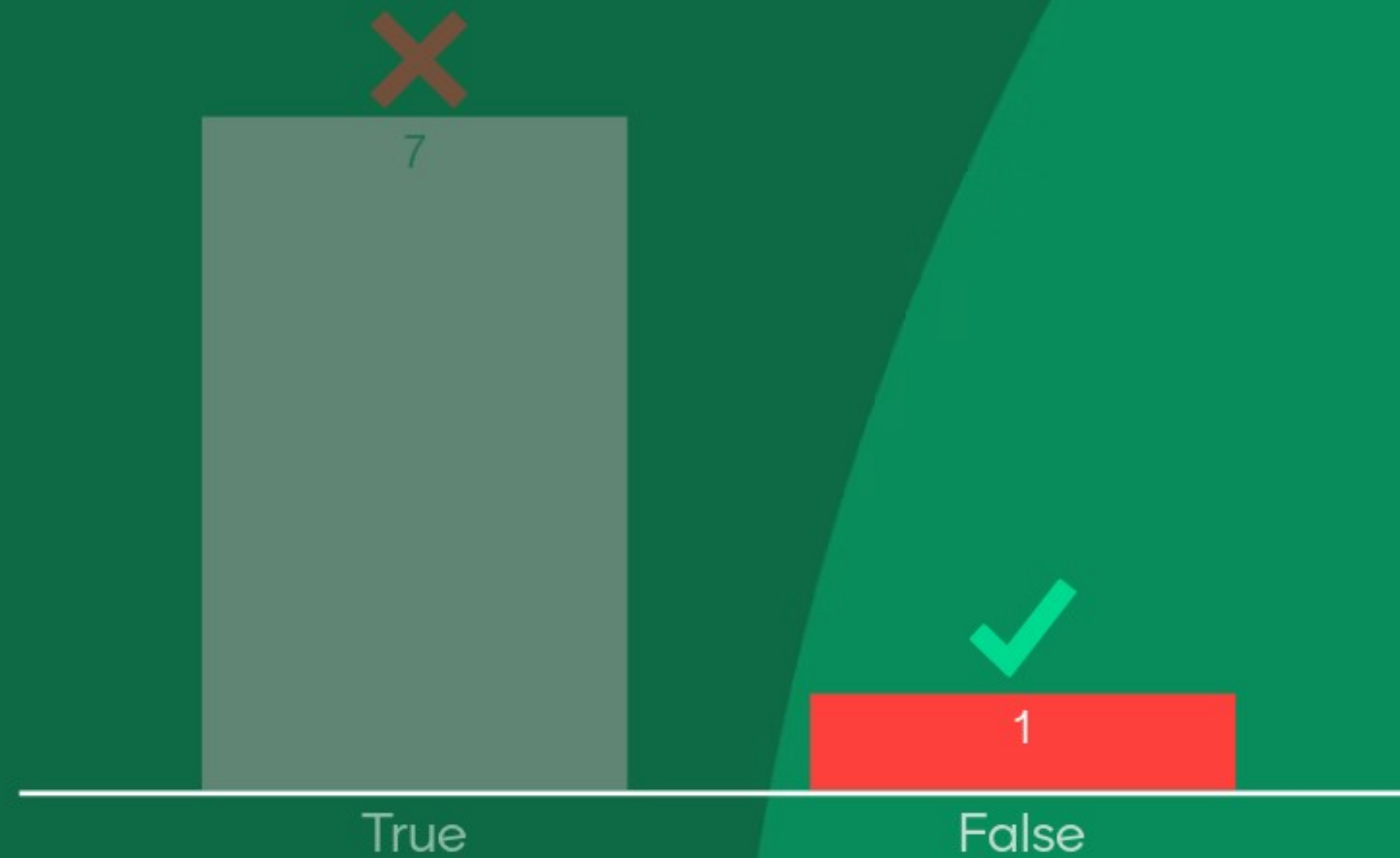
May be revised up to the start of the 24-hour posting requirement

An agenda may be revised, even if posted, as long as the 24-hour window has not started

Within the 24-hour window, no revisions may be made (this includes following the meeting)



The agenda must be posted at the meeting location.



WHERE AND WHEN TO POST THE AGENDA

Must be posted in prominent public view at the district office; location must allow the agenda to be read from outside the building

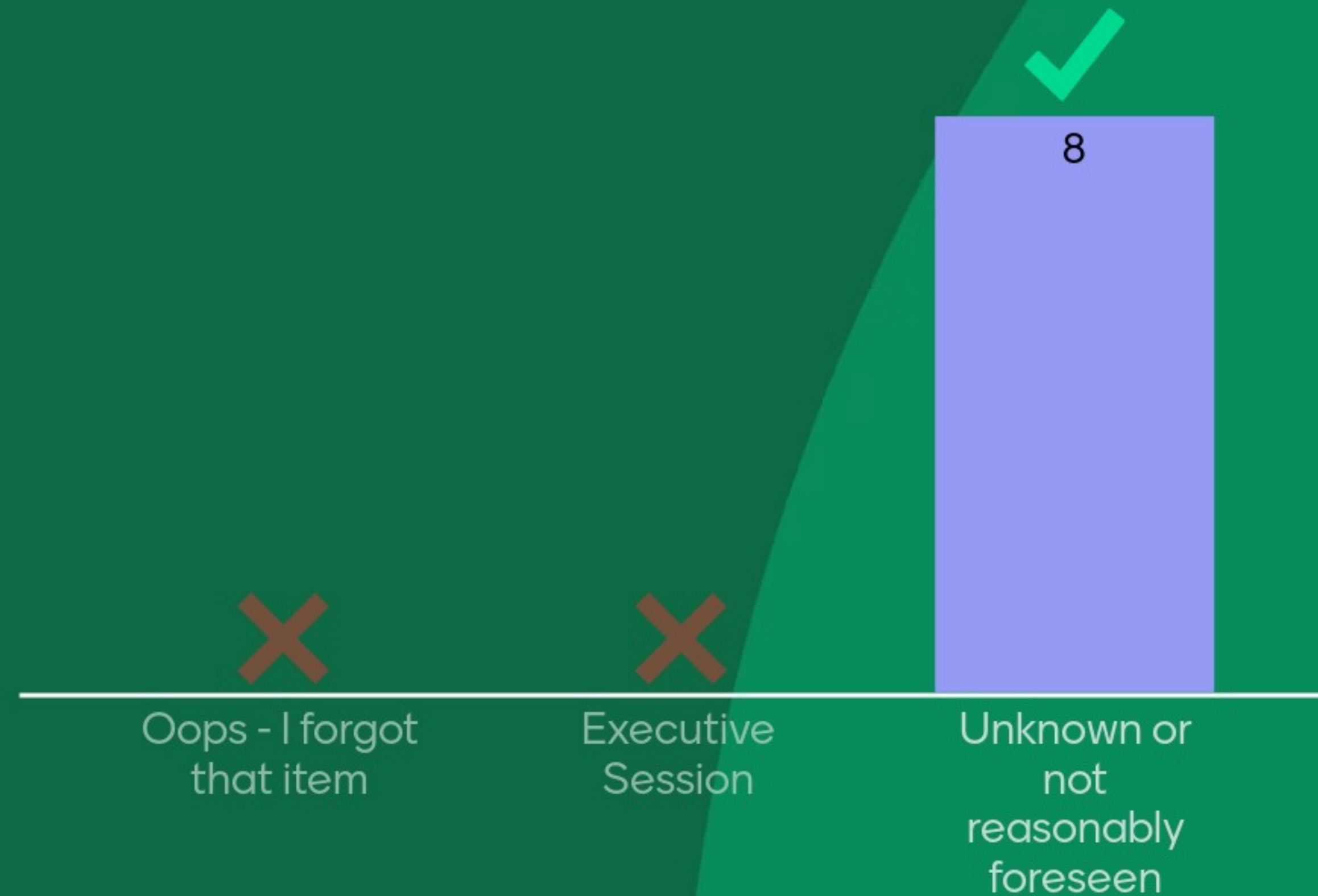
Must be posted on the district's website

Posted at least 24 hours, not counting Saturdays, Sundays, & holidays, prior to each meeting





What qualifies as new business?





NEW BUSINESS

Limited to items which were not known about or could not have been reasonable foreseen

Does NOT include items that you forgot to put on the agenda

Executive Sessions are NEVER allowed as new business (or as a “just in case” regular item)



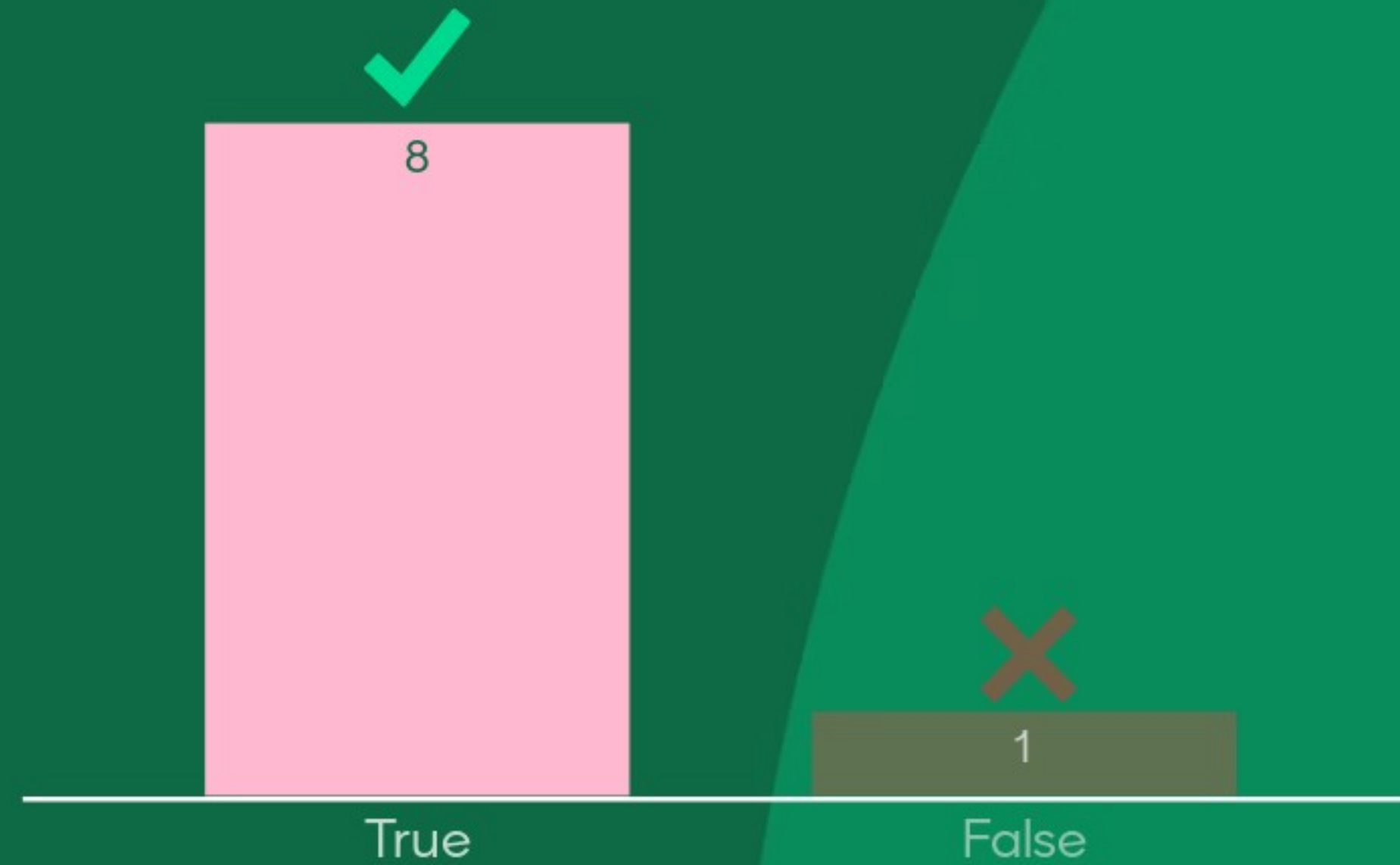
TIP FOR THE NEW BUSINESS AGENDA ITEM

- It is recommended the following language be used on agenda for the New Business item:
- “Consideration of and possible action on New Business:
- Under the Open Meeting Act, this agenda item is authorized only for matters not known about or which could have not been reasonably foreseen before the time of posting the final agenda.”





Districts should have a ratification policy.





RATIFICATION

Process for approval of time sensitive items

Ratification policy should be established – who is authorized, what items

Items must be listed on agenda as separate item, “Discussion & possible action on ratification of...”

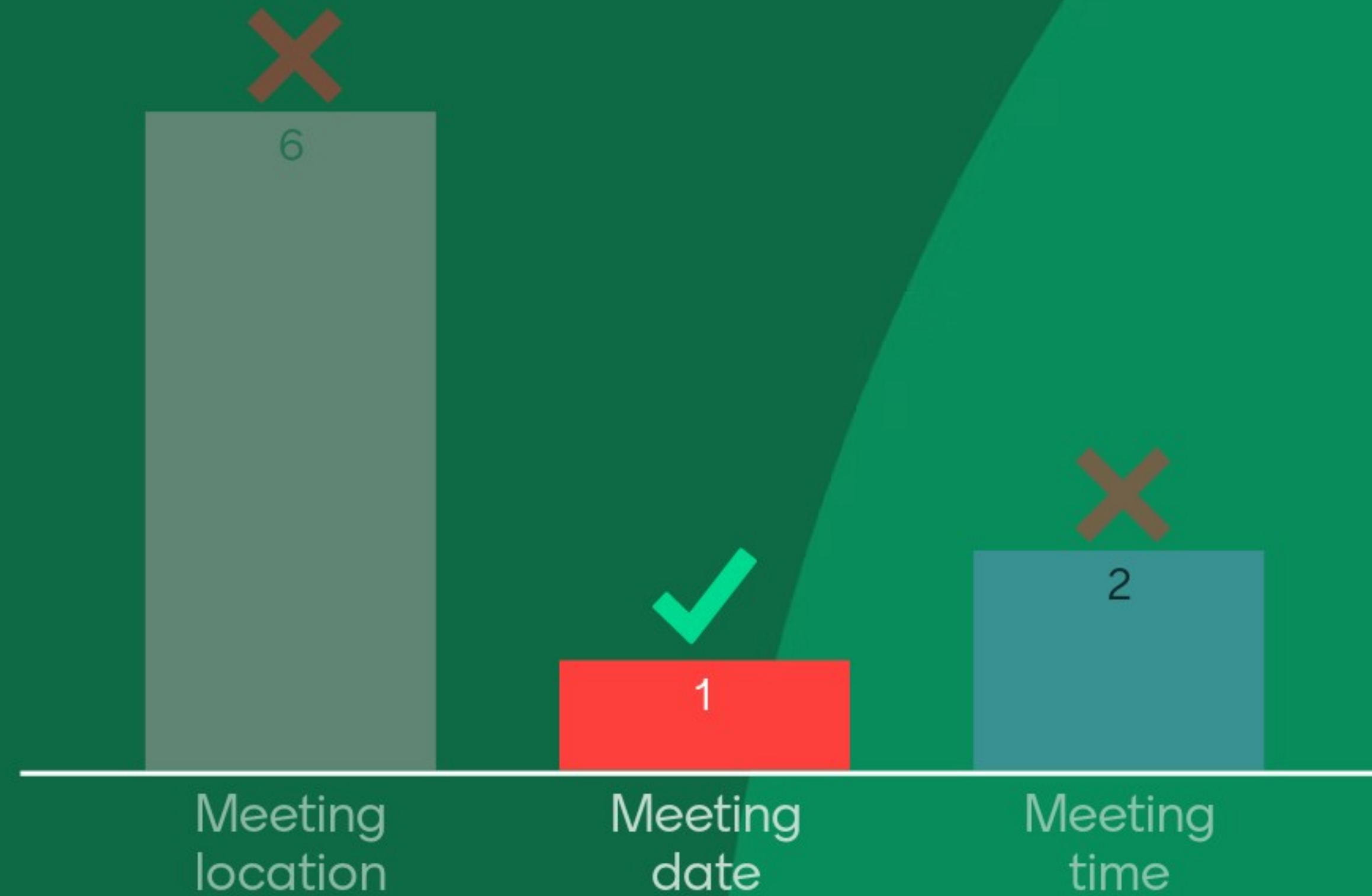


MINUTES





Minute page headings should include





MINUTE BASICS

Clear & Concise

- Summarization of high points
- Do not include items that are not pertinent to the meeting
- Motions are clearly written
- Votes for each member are recorded

Always

- Use professional language that is free of errors
- Use an easy-to-read layout, including fonts and colors
- Limit the use of acronyms
- Verify titles, proper names, etc. are accurate
- Verify dates are correct and coincide with agenda



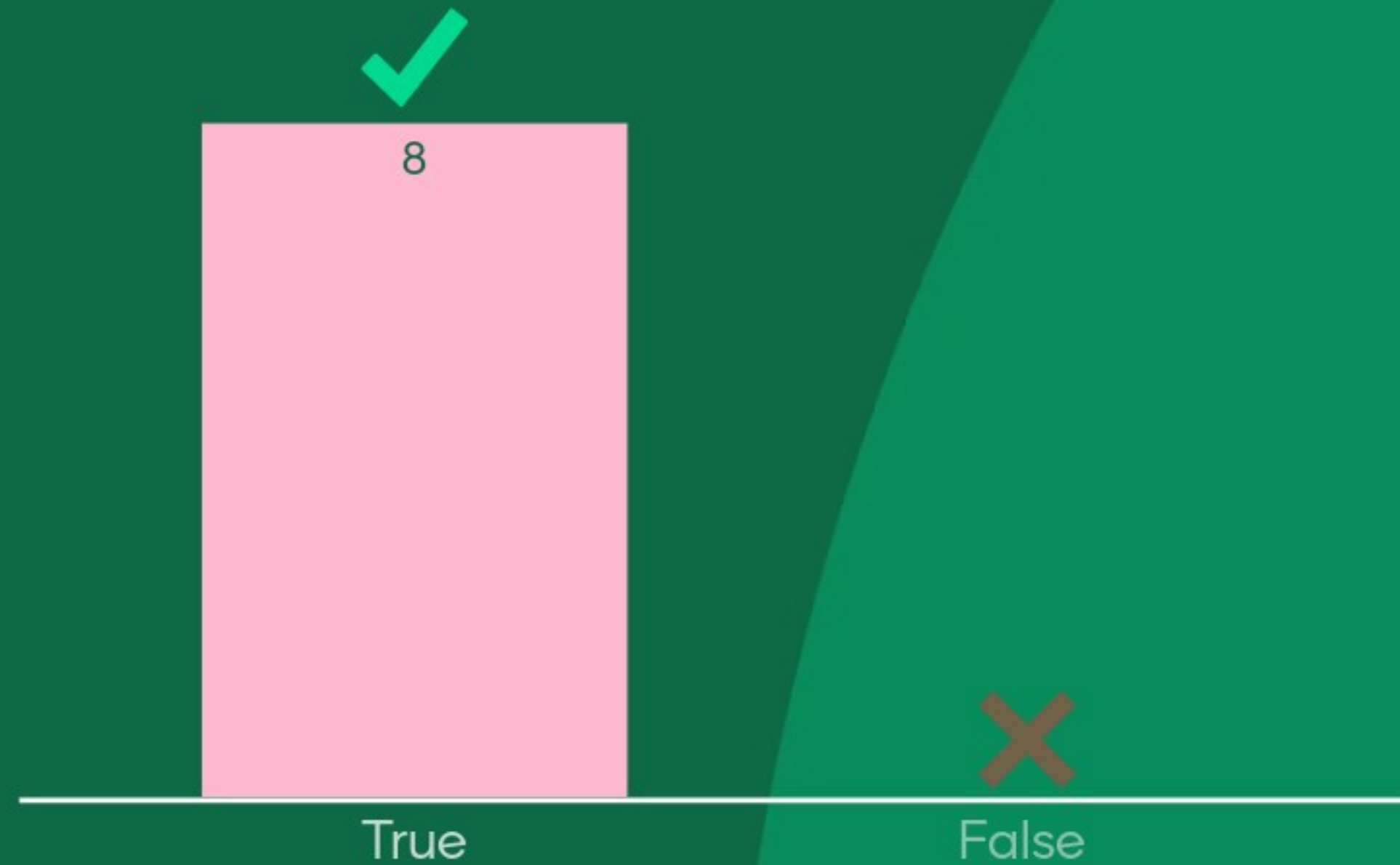


MINUTES ALWAYS INCLUDE

- Meeting date
- Time
- Meeting location address
- Page heading that includes date, district name, and page number
- Listing showing “Members Present,” “Members Absent”
- Listing of any others in attendance by name, title, and affiliation
- Names and titles of all people who receive copies of the minutes



Minutes should utilize a short, bold title to highlight agenda items.



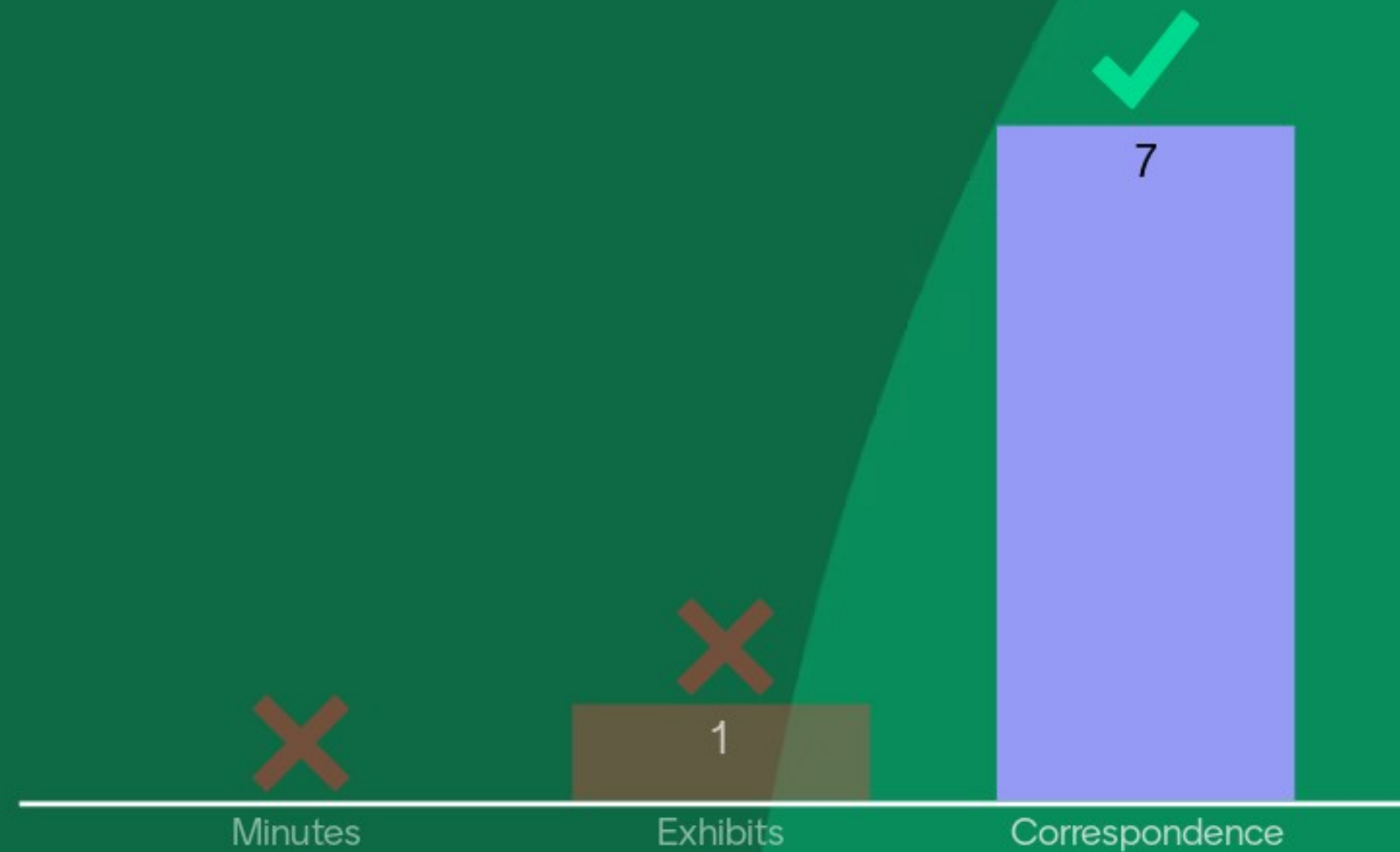


AGENDA ITEM IN THE MINUTES

- Short title in bold text
- Summarization of the discussion's high points
- Clear statement of motion made, including naming who made the motion
- Naming who seconded the motion
- Recording of the vote – showing by last name how votes were cast
- Declaration of motion completion



What item is in the board packet but not the final minutes packet?





BOARD MEETING PACKET VS MINUTES PACKET

Board Meeting Packet

- Everything the board will need during the meeting
- Includes
 - Agenda
 - Draft minutes
 - Financial documents
 - Any exhibits, reports, or other items for review/approval
 - Copies of correspondence

Final Minutes Packet

- Final, official record of the meeting
- Includes
 - Agenda
 - Approved meeting minutes
 - Approved financials
 - Exhibits & reports in the order presented



When should the final minutes packet be submitted?





BOARD MEETING PACKET VS MINUTES PACKET

Board Meeting Packet

- Everything in this packet must be made available to any member of the public requesting it
- Executive session related items are the only exception

Final Minutes Packet

- Should be all the documents for one meeting
- Sent electronically to:
 - ADC within 5 days of the meeting where the minutes are approved
 - Anyone listed as receiving minutes



RATIFICATION

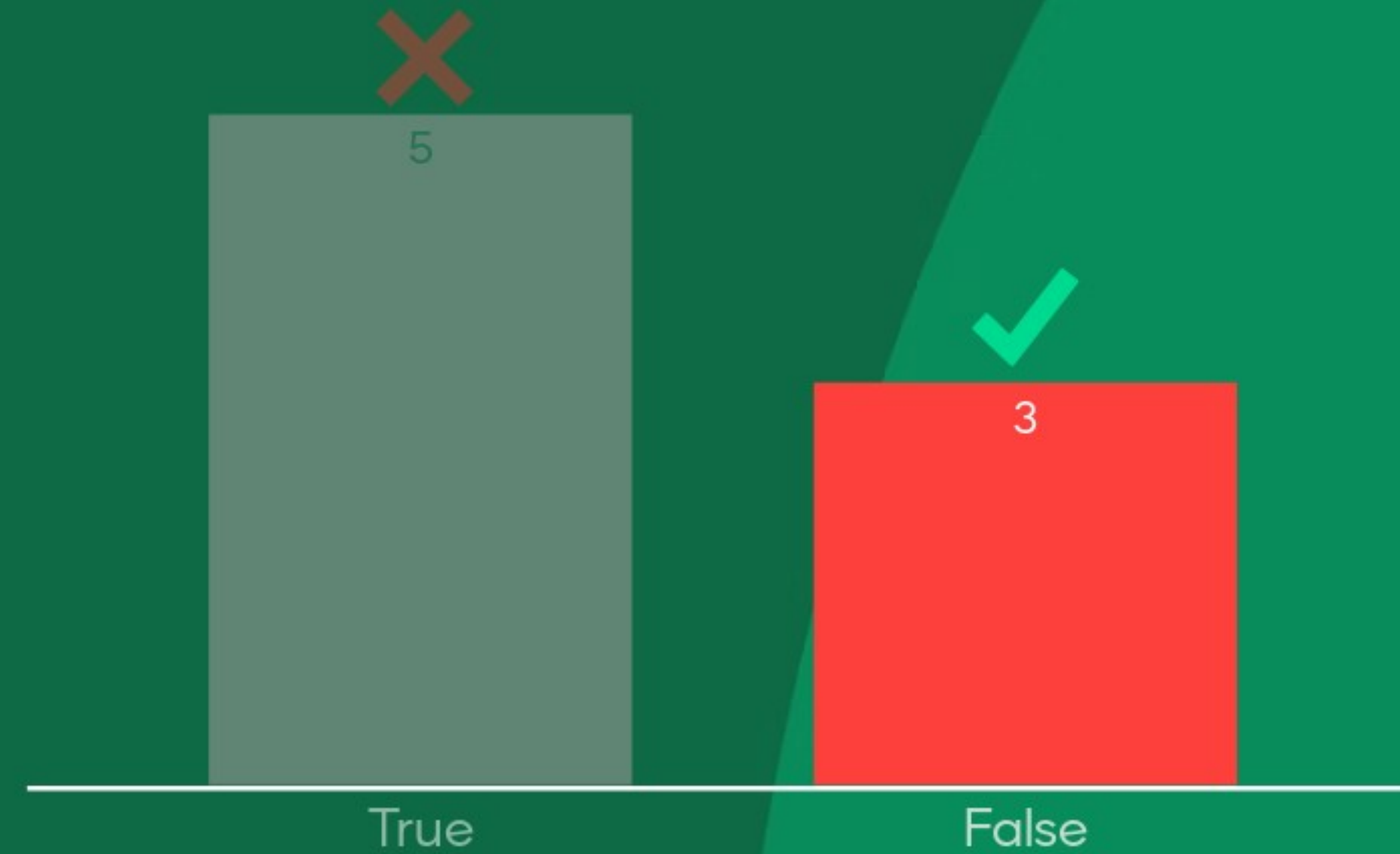
Clearly state what items were ratified

Record of the motion made

Record of the vote



Tabling an item does not require a vote.



MOTION TO TABLE OR “NO ACTION”

Summarize the discussions, if any.

Tabled item requires a motion to table indicating when the item will next be taken up, why the item is tabled, and what action, if any, is to be taken before reconsideration

A vote should be taken and recorded for any tabled item; minutes should record the item as “motion to table item carried.”

No action item should be recorded as “no action taken.”





PUBLIC COMMENTS

Speaker's name

Topic

Summarization of comments given





HOW TO STORE MINUTES

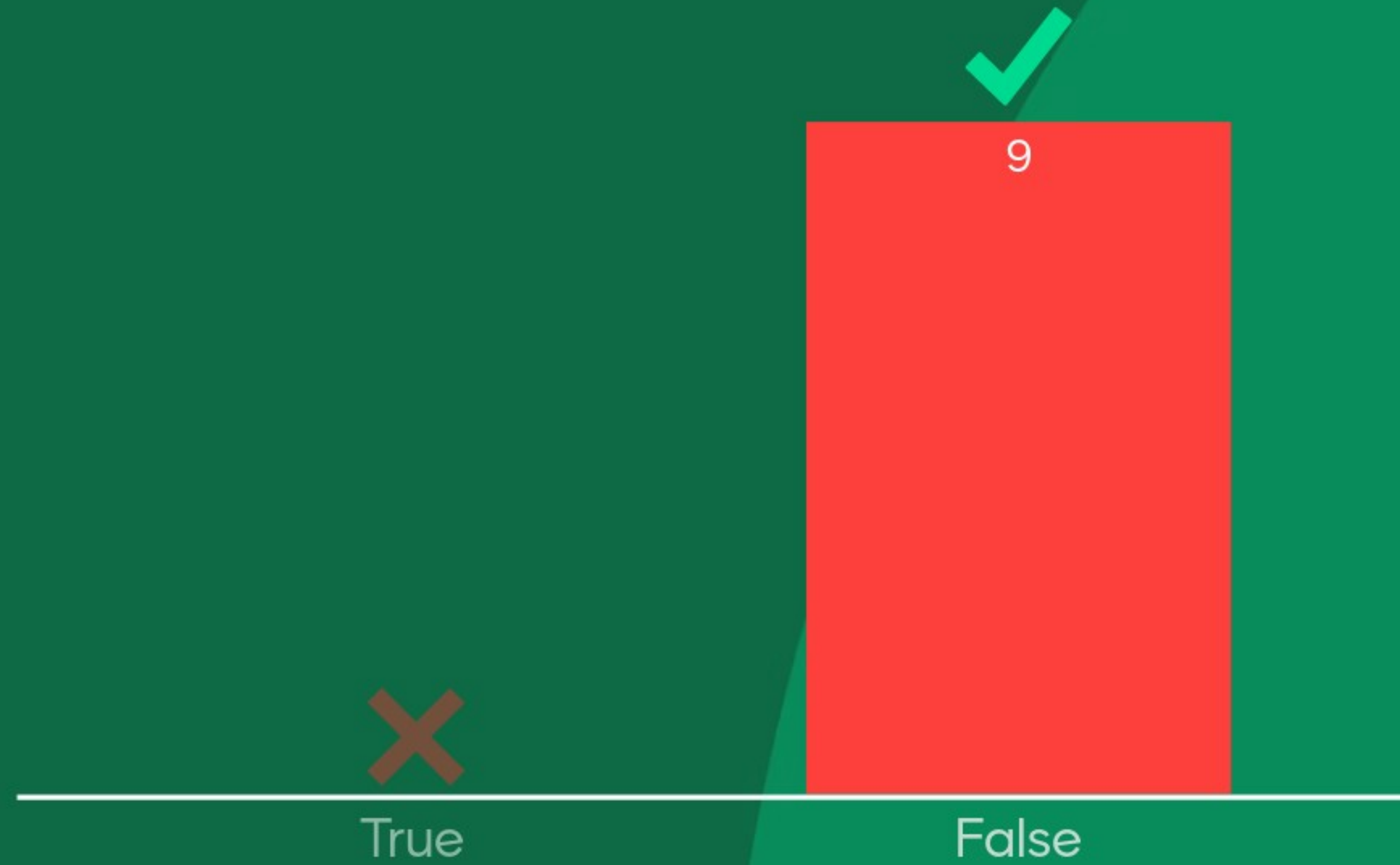
Recommended: retain final minute packets in 3-ring binder plus an electronic copy

This method provides easy access to records

Binding minutes has become a very long process & requires the district to relinquish control of those records for an unknown length of time



A board member may vote by phone.





PARTICIPANTS ATTENDING VIA ELECTRONIC MEANS

Board members may not participate by phone, video conference participation rules are VERY strict

Public may attend via phone or video conference as long as everyone can hear them. Note the name of the person and how present

If listening via phone or video conference is offered, those joining by one of these methods should be listed by name and how present



BOARD REQUESTS SOMEONE LEAVE A MEETING

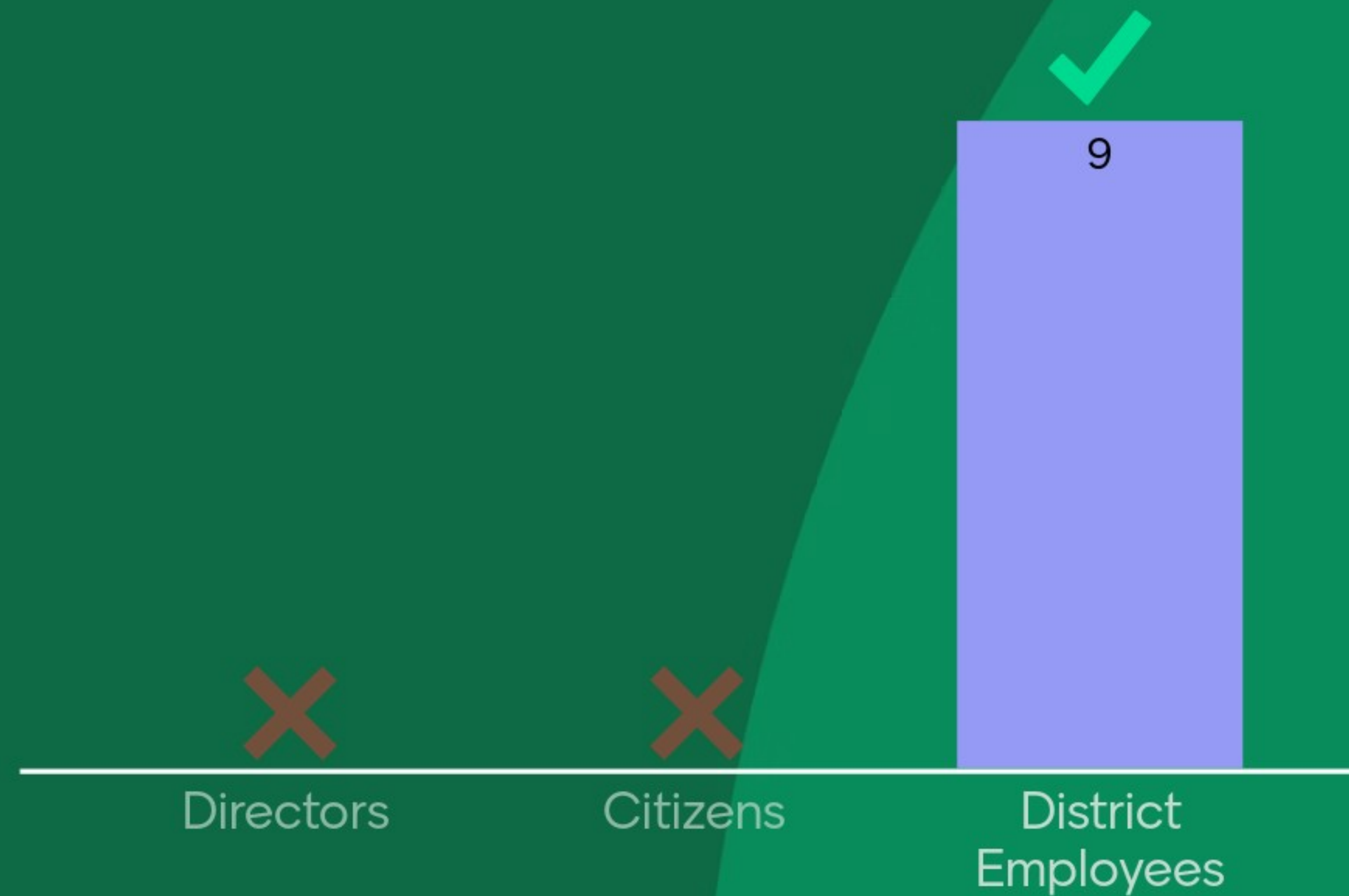
Under OMA this is not allowed unless an executive session is being held

Note who the board has asked to be involved in the executive session and that all others were asked to leave until open session resumes

If the board makes this request under any other circumstances, and the person complies, the minutes must record the exchange including the time the individual exits and re-enters, if applicable



Who should submit a written report?





WRITTEN REPORTS

District employees should submit a written report for inclusion as an exhibit

A brief verbal report should also be provided

Best practice is to also have others who regularly give reports provide a written exhibit for inclusion in the final minutes packet



EXECUTIVE SESSIONS





NEW PROCESS FOR EXECUTIVE SESSIONS

Use the new process that doesn't require keeping written minutes

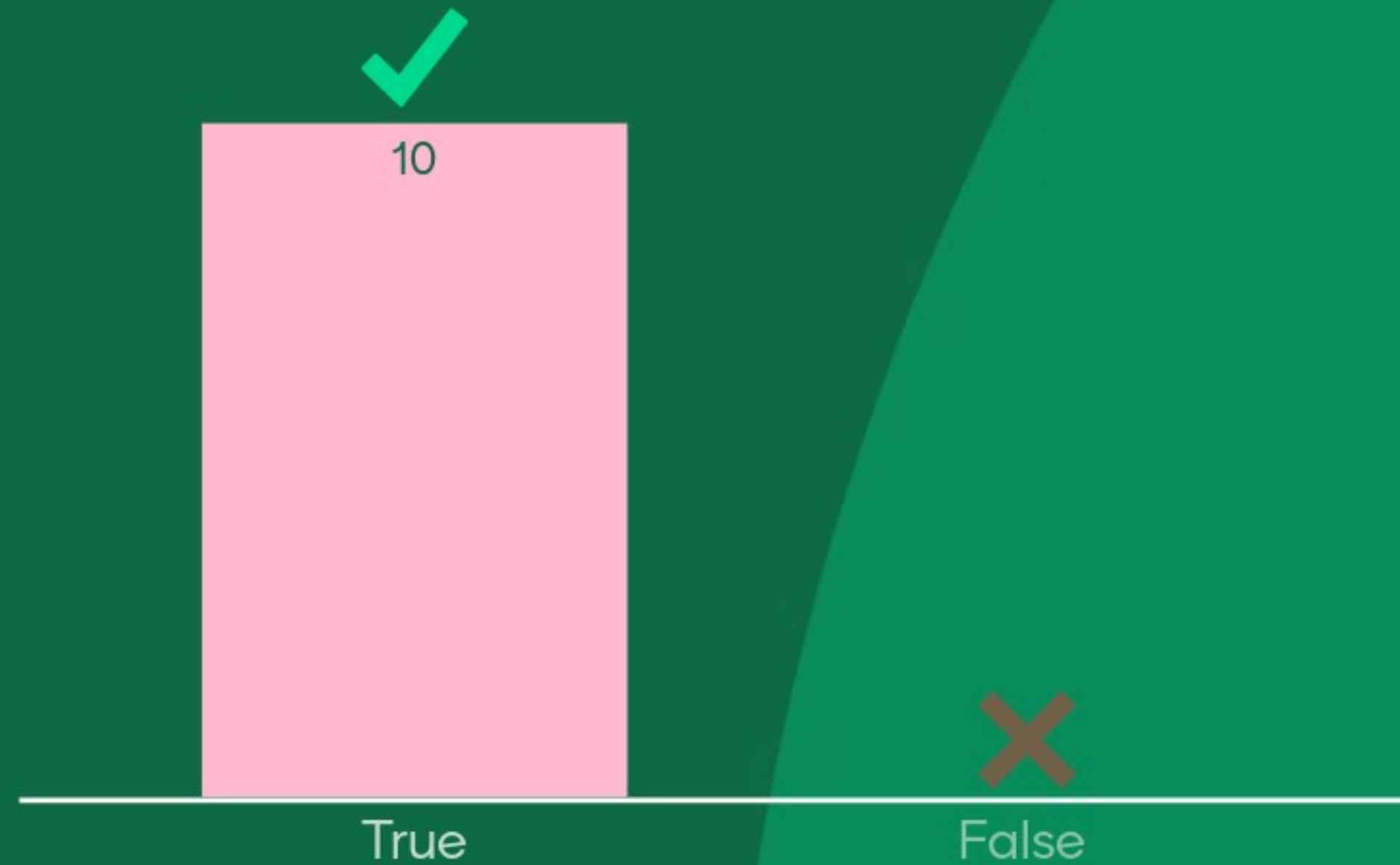
Process has been vetted by legal counsel

Editable templates are available on the OCC website, including a script for the board chair





NRCS Conservation Plans qualify for executive session.





AUTHORIZATION FOR EXECUTIVE SESSIONS

Only specific reasons as listed in the OMA

Must be listed on the agenda, including the specific authorization and a clear statement of the topic

NRCS Conservation Plans qualify for executive session because they are a federal document containing PII





Minute notes should be retained until the final minutes are approved.



True



False

