

Prosecutor's Update

September 5, 2017

2:02 p.m.

Present: Commissioner Stamper, Commissioner Fund, Commissioner Jackson, Paulette Young (by phone), Jonathan Meyer, Glenn Carter, Ross Peterson, Janelle Kambich, Eric Eisenberg, David Fine, Archie Smith, Dianne Dorey, Ross Nielson

Guest: Justyna Tomtas (3 p.m.)

Recorder: Rieva Lester

At 2:03 p.m., Commissioner Stamper announced that the Board was going into Executive Session under RCW 42.30.110(1)(i) for 20 minutes to discuss pending litigation.

Rieva Lester, Eric Eisenberg, Ross Nielson, Dianne Dorey and Archie Smith left.

Executive Session ended at 2:23 p.m.

Rieva Lester, Eric Eisenberg, Ross Nielson, Dianne Dorey and Archie Smith returned.

Jonathan Meyer discussed the PDR point-person position for his office. In the past, he said, Casey Mauermann would handle those responsibilities for his office as well as the sheriff's office. He and Janelle Kambich said the position was an absorption.

Paulette Young asked if Jonathan planned to use Casey for redactions, etc. He said he would be looking for a legal assistant or paralegal position to gather responsive documents.

Paulette discussed records Casey already was pulling as well new records.

Jonathan floated the idea of splitting a position between the PA's office and Risk.

Dianne Dorey discussed her concerns regarding a Board of Equalization member's lack of impartiality. She said the BOE member has derogatory remarks about the Assessor's Office and is doing his own research on cases then bringing documents to BOE hearings.

Commissioner Fund asked if the Assessor's Office or the appellant a chance to rebut. Ross Nielson and Dianne Dorey said there has been no chance for rebuttal.

Glenn Carter said his concern is that all parties don't have a chance to rebut.

Janelle Kambich left at 2:40 p.m.

Jonathan Meyer said extrinsic evidence should be avoided.

Eric Eisenberg said it's similar to what a juror can do: common sense and experience can be used, but that's different than going out and gathering evidence on their own. A juror wouldn't go and do case-specific research, he said.

Ross said one example was that the BOE member passed out newer photos from a real estate website.

Dianne Dorey said the Assessor's Office has the presumption of correctness, and the BOE member's intervention interferes.

Glenn said ideally, the BOE member needs to stop doing the research. However, he said, if the person is going to continue doing research, he needs to provide it in a timely manner to afford both sides the opportunity to rebut. Most importantly, Glenn said, the BOE member needs to be impartial.

Dianne said the specific BOE member has not yet attended BOE training.

Jonathan said there needs to be a primer about what is necessary for the BOE. He further discussed the need for impartiality.

Glenn stressed that there are two separate issues: the lack of impartiality and the BOE member doing and presenting their own research.

Commissioner Jackson suggested meeting with the BOE member in question. Commissioner Stamper discussed meeting with the person and the BOE Chair, Peggy Laso.

Commissioner Stamper discussed setting up a meeting with Peggy Laso and asked Jonathan to write up notes for the discussion.

Justyna Tomtas joined at 3 p.m.

Commissioner Jackson left at 3 p.m. and returned at 3:03 p.m.

The group discussed the options when someone opts out of insurance through Teamsters.

Commissioner Fund made a motion to pay the attorney fees claim, as agreed in the county's Offer of Judgement in the Open Public Meetings Act Case of Cortland and Green v. Lewis County in the amount of \$37,370.83. She further moved that the sum be paid from the commissioners' budget.

Commissioner Jackson seconded.

Commissioner Stamper and Commissioner Fund voted yes. Commissioner Jackson voted no.

Motion passed 2-1.

Eric Eisenberg said he understands the commissioners are trying to walk back Sheriff Snaza's salary. Commissioner Jackson said the effort is to detach the sheriff's salary from that of the undersheriff's.

At 3:13 p.m., Commissioner Stamper announced that the Board was going into Executive Session under RCW 42.30.110(1)(i) for 5 minutes to discuss pending litigation.

At 3:18 p.m., Commissioner Stamper extended Executive Session for 5 minutes.

At 3:23 p.m., Commissioner Stamper extended Executive Session for 5 minutes.

Meeting ended at 3:28 p.m.