

Clark County community rallies around Ed Barnes

Retired union official threatened with lawsuit for speaking his mind at public meetings

VANCOUVER, Wash. — Community members in Clark County delivered an outpouring of support for resident Ed Barnes after he was threatened with a lawsuit by the county's director of environmental services, Don Benton. Benton is a Republican state senator from Vancouver.

Nearly 300 citizens attended a meeting of the Board of Clark County Commissioners on Nov. 19. Many wore buttons and held signs that read: "I am Ed Barnes," and "We Stand with Ed." T-shirts were made that read, "Ed Barnes is Right."

Barnes, 80, is a retired business manager of IBEW Local 48 and a tireless community volunteer. Last month he received a letter from an attorney representing Benton that was headlined: "cease and desist malicious and slanderous attacks." The letter threatened Barnes with legal action if he didn't stop saying at public meetings that Benton was unqualified to be director of the county's Department of Environmental Services.

There was community outcry last May when two members of the three-member Board of Clark County Commissioners appointed Benton to the \$109,656-a-year job. The appointment came just three months after they had forced out the previous department director. They didn't post the job opening



Several dozen people gathered before the Nov. 19 meeting of the Clark County board of commissioners in a show of support for Vancouver, Washington, resident Ed Barnes (center behind the Don Benton poster). The former union official was threatened with a defamation lawsuit by Don Benton, who was appointed last May to head the county's Department of Environmental Services. Barnes has been an outspoken critic of the controversial hiring.

or allow others to apply.

Taking that action were Commissioners David Madore and Tom Mielke. Both are Republicans and friends of Benton. Madore is a private business owner who took office on Jan. 2, 2013. It is his first foray in elected politics in Washington.

Commissioner Steve Stuart, a Democrat, opposed the hiring, saying it "smacks of political cronyism."

The Columbian newspaper headlined the hiring a "County Shocker." Followup articles reported that Benton didn't meet the minimum requirements for the job. A five-term senator, Benton

owns a consulting/advertising company whose only employee is his wife. An ensuing Columbian editorial noted that Benton also is a Washington state co-director of the American Legislative Exchange Council. Environmental groups assert that a major goal of ALEC is to "protect corporate polluters from environmental regulation."

At the Nov. 19 commissioner's board meeting, Rekah Strong, a former chief diversity and inclusion officer for Clark County, said during the public comment portion of the meeting that Madore and Mielke "100 percent circumvented our process."

Strong, whose primary responsibility at the county was to oversee the hiring and recruitment process, explained that previous direct appointments went only to staffers within the agency who were qualified for the job.

"The county has never direct-appointed someone from outside the organization," she said.

Strong believes Madore and Mielke violated the county's own equal employment opportunity and diversity strategic plan, thus exposing the county to financial liability.

"Had you reviewed that plan you would understand that what you did went directly against the ethos of this organization and the ethos of this community. Hence, the problem that we have here today," she said.

A lawsuit already has been filed against the county by Anita Largent, the interim director of the Department of Environmental Services before Benton's appointment. She alleges the county violated state law against discrimination and portions of the U.S. Civil Rights Acts of 1964. She is seeking damages of at least \$300,000.

Barnes himself told the Board of Commissioners that he has been in contact with the American Civil Liberties Union (ACLU) and is considering suing the county because the cease and desist letter came from a county employee. He also has contacted the offices of the Washington attorney general to determine if there were any violations of the hiring process.

"This isn't about Ed Barnes," Barnes said to commissioners. "This is about freedom of speech in this community."

Temple Lentz, a member of United

Food and Commercial Workers Local 555 who recently was elected a county freeholder, told commissioners "if Benton sues Ed Barnes for saying Don Benton is unqualified for his job and was hired without proper process, then Don Benton is going to have to sue me, too. And he's going to have to sue pretty much everybody in this room except for five people."

Lentz called Benton's cease and desist letter against Barnes "frivolous."

"Your director of environmental services is using the threat of a frivolous lawsuit to bully and menace one of your constituents into silence," she said.

At the close of the two-hour public hearing, Madore said, "In my eyes, it's my call, he's (Benton) well qualified. He's been here since May and he's developed a very good track record."

Mielke said he was "troubled" by all the comments that the county violated its own hiring policy. "After a while, people start to believe that," he said. "We have no less than two attorneys in this room that represent the county that might disagree with you."

Mielke said it isn't uncommon for commissioners to direct-hire department heads.

"It's done at the state level, it's done at the federal level, it's done in private business, and we do have a hiring process for everybody," he said. "But when it comes down to your directors, those are key people that work directly for the board. And you've got to make sure you have someone that has the same philosophy that you do and the direction that you want to go when you do that."

Anti-anti-union initiatives filed

In answer to a proposed anti-union ballot initiative, the union-backed coalition Our Oregon filed two counter-initiatives Nov. 12.

Initiative Petition 9 — the anti-union initiative — would remove any obligation for union-represented public employees to pay dues or their equivalent. Labeled the Public Employee Choice Act, it's aimed at the November 2014 ballot, but the campaign isn't actually gathering signatures yet. Chief petitioner Jill Odell didn't like the ballot description the Oregon attorney general's office wrote, and appealed the wording to the Oregon Supreme Court.

The Our Oregon counter-initiatives would contradict IP 9. Under Oregon law, if two ballot measures contradict each other and both pass, the one that gets the most votes prevails. The idea behind the counter-initiatives is that they might garner more votes than the anti-union measure.

Initiative Petition 35, "Employee Rights At Work," names Oregon AF-SCME political director Joe Baessler as chief petitioner. Under IP 35, any initiative that alters laws on minimum wage, family leave, payroll deduction, or collective bargaining would be required to

describe current law and specify whether the initiative enhances or restricts employee rights, a determination that would be made by the state labor commissioner.

Initiative Petition 36, "Protect Workers Right to Contribute" names SEIU Local 503 political director Arthur Towers as chief petitioner. IP 36 says that "no law shall restrict the ability of employers and their employees (either individually or through their bargaining representative) to negotiate and agree upon terms governing payroll deductions."

Both initiatives are in the process of getting official ballot titles, and thus aren't yet approved to circulate. Our Oregon has filed 10 other prospective measures aimed at the November 2014 ballot, all of which are different versions of proposals to raise taxes on big corporations and the wealthy. None of those has been approved to circulate yet either.

Our Oregon spokesperson Scott Moore said the group has not yet decided which if any of the initiatives to pursue. As for IP 35 and 36, Moore said Our Oregon would pursue one or the other, but not both.



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