

ATTACHMENT A
TO CLAIM FOR DAMAGES AGAINST THE CITY OF BATTLE GROUND

Claimant: Kristina K. Swanson

Presented pursuant to RCW 4.96.020

1. Claimant and Counsel

Claimant Kristina K. Swanson is the City Manager of the City of Battle Ground. She is represented in this matter by the Law Offices of Sue-Del McCulloch LLC, 111 SW Columbia Street, Suite 1010, Portland, Oregon 97201; telephone (503) 221-9706; email sdmcculloch@sdmlaw.net. Please direct all communications regarding this claim to this office and not to Ms. Swanson directly.

2. Description of the Conduct and Circumstances

In April 2024, the Battle Ground City Council unanimously selected Ms. Swanson to serve as Interim City Manager. The Council subsequently appointed Ms. Swanson City Manager effective August 5, 2024. She relocated to Battle Ground for this position, which she intended to be the final position of her career. She performed well, overseeing the day-to-day operations of the City and its personnel and receiving strong reviews.

The City operates under the council-manager plan of government. The City Manager, not the Council, is responsible for the supervision of City department heads and employees, including the Chief of Police, and under RCW 35A.13.120 the Council and its members must deal with the administrative service solely through the City Manager. In the course of her duties, Ms. Swanson met repeatedly with Police Chief Dennis Flynn during the spring of 2026, including on March 14, March 25, May 21, May 28, and June 4, 2026, to address performance concerns and violations of City policy, including the Chief's inaccurate reporting of code enforcement data to the Council, his use of a personal cell phone to conduct City business, and his communications with Councilmembers outside the chain of command. Rather than respond to supervision, the Chief went around the City Manager directly to Councilmembers. Chief Flynn instigated a complaint against Ms. Swanson including an allegation of whistleblower retaliation, which was referred to an independent investigator, Sound Workplace Investigations. The investigator's report, dated June 3, 2026, did not substantiate any complaint against Ms. Swanson. The Mayor and members of the Council continued to interfere in the City's administrative service by going around the City Manager to meet directly with the Police Chief and with Police Lieutenants Jason Perdue and Jim Keller, both subordinates of the Chief and of Ms. Swanson, from whom Mayor Eric Overholser solicited written complaint letters about Ms. Swanson.

On or about August 3, 2026, the Council signed Ms. Swanson's annual performance evaluation for the period August 1, 2025 through July 31, 2026, rating her performance above average and awarding her a merit-based pay increase. Two days later, on August 5, 2026, the

Council convened a Special Meeting at 7:00 p.m., called with the minimum twenty-four hours' notice. The Council went into a closed executive session to "review the performance of a public employee." Ms. Swanson was not permitted to participate. On information and belief, the Council reviewed in that session the complaint letters the Mayor had solicited from the two lieutenants. Ms. Swanson was given no notice of those complaints and no opportunity to review or respond to them before the Council acted, contrary to RCW 42.30.110(1)(f). On information and belief, Councilmembers also conferred outside of a public meeting before the Special Meeting was called to confirm they had the votes to remove her.

Following the executive session, the Council adopted Resolution No. 26-06, by a four-to-three vote, with Mayor Overholser and Councilmembers Brian Munson, Victoria Ferrer, and Aimee Vaile in the majority. The Resolution, drafted by the Mayor without review or approval from the City's legal counsel, states the Council's intention to remove Ms. Swanson as City Manager "without cause," and the Council immediately suspended her from duty. The Council initially installed a male subordinate as interim City Manager in her place, though it has yet to approve a contract for the appointed interim City Manager.

Ms. Swanson's removal was not, in fact, "without cause." It was a pretextual discharge in retaliation for Ms. Swanson performing her responsibility to supervise the Chief of Police, and relied on hearsay complaints from her male subordinates that she was never allowed to answer, contrary to Washington law. Those complaints are now in the public record, where they will follow her through her profession. By this conduct, the City of Battle Ground, acting through its Mayor and Council majority, has:

- discriminated against Ms. Swanson because of her sex and retaliated against her, in violation of the Washington Law Against Discrimination, including RCW 49.60.180 and RCW 49.60.210, and Title VII of the Civil Rights Act of 1964;
- wrongfully discharged Ms. Swanson in violation of public policy;
- breached her employment Agreement and the implied covenant of good faith and fair dealing; and
- violated RCW 42.30.110(1)(f) and RCW 35A.13.120 Open Public Meetings Law in conducting secret communications via private cell phones and email communications not open, properly noticed, or including all council members
- failed to provide any reason for the termination
- Ms. Swanson reserves the right to assert additional claims and theories, and to name additional responsible persons, as the facts are developed.

3. Time and Place

The conduct described above occurred in Battle Ground, Clark County, Washington, from approximately March 2026 and is continuing. The principal adverse action occurred on August 5, 2026, at approximately 7:00 p.m., at the Special Meeting of the Battle Ground City Council held

at Battle Ground City Hall, Council Chambers, 109 SW 1st Street, Second Floor, Battle Ground, Washington 98604.

4. Persons Involved and Witnesses

The following persons have knowledge of the matters described above. Each may be contacted through the City of Battle Ground, 109 SW 1st Street, Battle Ground, WA 98604, (360) 342-5008, unless otherwise noted:

- Mayor Eric Overholser
- Councilmember Brian Munson
- Councilmember Victoria Ferrer
- Councilmember Aimee Vaile
- The remaining members of the Battle Ground City Council
- Police Chief Dennis Flynn
- Police Lieutenant Jason Perdue
- Police Lieutenant Jim Keller
- City Clerk Elizabeth Halili
- Deputy City Manager Robert Ferrier
- Finance Director Meagan Lowery
- Community Development Director Kristin Lehto
- Sound Workplace Investigations (investigator who prepared the June 3, 2026 report)
- City Attorney Hillary Evans, Kenyon Disend PLLC, 11 Front Street South, Issaquah, WA 98027

5. Injury and Damages

Economic damages: At the time of her termination Ms. Swanson's annual base salary was \$247,092, and her compensation also included a 3% City match on 457 deferred compensation contributions, a \$500 per month automobile allowance, medical, dental, vision, and life insurance coverage, and participation in the Washington Public Employees' Retirement System (PERS). Ms. Swanson was less than six years from retirement and intended to complete her career with the City. The actions of the City in spreading unsubstantiated complaints against her without investigation or the required opportunity to respond and terminating her employment has irreparably damaged her professional reputation and impeded her ability to successfully mediate her damages. Her lost wages and benefits through her planned retirement, together with the resulting loss of PERS service credit and retirement benefits, are estimated at not less than \$2,000,000.

Noneconomic damages. Ms. Swanson has suffered and continues to suffer severe emotional distress, humiliation, anxiety, and loss of enjoyment of life, as well as serious damage to her professional reputation. Her removal, carried out without notice or proper process, two days after the Council certified her performance as above average, and on the basis of complaints she was never allowed to answer, has placed those complaints in the public record and will impair her

ability to obtain comparable employment in local government. Ms. Swanson claims noneconomic damages of \$3,000,000.

6. Amount of Damages Claimed

Ms. Swanson claims damages from the City of Battle Ground in the amount of \$5,000,000, together with attorney fees, costs, and such other relief as may be allowed by law. Ms. Swanson reserves the right to amend this amount as her damages continue to accrue.

7. Preservation of Evidence

The City of Battle Ground, its Council, and its officers and employees remain under the obligation, set out in this office's letter of August 28, 2026, to preserve all documents, communications, and electronically stored information related to Ms. Swanson and the matters described above, including text messages and other communications on personal and City-issued devices.