

**COMMISSIONERS' MINUTES
KITITITAS COUNTY, WASHINGTON
COMMISSIONERS AUDITORIUM
SPECIAL MEETING**

TUESDAY

11:00 A.M.

FEBRUARY 10, 2009

Board members present: Chairman Alan Crankovich; Vice-Chairman Paul Jewell; Commissioner Mark McClain.

Others: Mandy Robinson, Deputy Clerk of the Board; Cathy Bambrick, Public Health Administrator; Brent Bottoms, Deputy Prosecutor; Kirk Holmes, Public Works Director; Tom Tebb, Department of Ecology; Mark Schuppe, Department of Ecology. Conference Call-Brian Faller, Attorney General's Office.

SPECIAL MEETING

DEPT OF ECOLOGY

COMMISSIONERS

At approximately 11:15 a.m. **CHAIRMAN ALAN CRANKOVICH** opened a special meeting continued from February 2, 2009 to discuss the Exempt Well Memorandum of Agreement (MOA) with the Department of Ecology (DOE).

Tom Tebb, DOE expressed his appreciation for the effort put forth by Brent Bottoms, Deputy Prosecutor and Brian Faller, Rep. Attorney General's Office. He indicated that he felt they made a huge amount of progress on the Memorandum of Agreement (MOA).

Mr. Tebb indicated that the changes would be reviewed that were proposed at the previous meeting held on February 2, 2009 at 11:30 in the Commissioners Auditorium.

The first discussion centered on the need for title changes on page two of the document.

The next issue discussed was the wording used in the document and changing the use of the word "adjacent" to "approximate" and a concern was expressed at the prior meeting that the language could be misconstrued.

Extensive discussion was held on the proposed changes from the prior meeting and clarifications of any outstanding questions the Board had.

Discussion pertaining to the one half acre clause was pushed by DOE representatives. They stressed that the particular language be included in the MOA. It was noted that DOE created a limitation

clause and opted to do away with how much water is needed and how much is actually used to be metered. They indicated that larger developments are required to provide actual numbers of usage.

Discussions were held on the new language proposed to WAC 173-539A-050. Deputy Bottoms indicated that he would review it prior to the document being available for public review. He reviewed the language that had been added to page 11.

Mark Schuppe discussed exempt segs, exempt decisions and how to deal with them moving forward. He indicated that it was his understanding that Brian Faller and Deputy Bottoms will be meeting Wednesday February 11, 2009 to work on how to move forward.

Mr. Tebb felt a lot of the questions regarding "how to" in the future would be addressed in the MOA.

Commissioner McClain felt that any enforcement the County has, has been lost and that needs to be addressed in the MOA. Mr. Tebb indicated that the idea was for the MOA to eventually become self operating. He noted that DOE is kicking in money to get things started.

Extensive discussions took place on the reporting requirements for the meter reading program and how we proceed to getting the readings if there is no money coming in.

The Board expressed their discomfort with putting the County in a position to oversee the costs associated and the responsibilities for the program. Mr. Tebb proposed getting the developers to pay the expenses.

Commissioner McClain questioned the potential of this program becoming an unfunded mandate. He indicated that the County needs to see the cost impact on others. Mr. Tebb agreed to collaborate (DOE).

Commissioner McClain felt it was important to stress that the County is currently not trying to be heavy handed, but that they want to remain in the loop of what's going on.

A document from United States Department of Interior (USDI) was presented to the Board for review dated January 29, 2009 addressed to DOE, Executive Director Jay Manning, subject matter: Water Storage and Exchange Contract, Contract No. 09XX101700, BETWEEN THE Bureau of Reclamation and the State of Washington Department of Ecology, Yakima Project, Washington.

Meeting adjourned at 12:16 p.m.

KITTITAS COUNTY COMMISSIONERS

DEPUTY CLERK OF THE BOARD

KITTITAS COUNTY, WASHINGTON


Mandy Robinson


Alan Crankovich, Chairman