

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

**WEDNESDAY**

**9:00 A.M**

**NOVEMBER 12, 2008**

Board members present: Chairman Mark McClain; Vice-Chairman Alan Crankovich and Commissioner Linda Huber.

Others: Mandy Robinson, Deputy Clerk of the Board; Christine Luvera, Lower District Court Administrator; Judge Thomas Haven, Lower District Court; Greg Zempel, County Prosecutor; Steve Arrington, City of Kittitas Mayor; Robin Newcomb, City of Kittitas Clerk; Pat Alvord, City of Kittitas Council Person.

**SPECIAL MEETING CITY OF KITTTITAS COURT OPTIONS COMMISSIONERS**

At approximately 9:10 a.m. Chairman McClain opened a Special Meeting to discuss the City of Kittitas Court options.

Chairman McClain indicated that today's meeting was set to try to accomplish assisting the City of Kittitas Municipal Court and City of Kittitas financial situation.

There was discussion on whether the County Prosecutor would take over the prosecution caseload belonging to the City of Kittitas. County Prosecutor Greg Zempel indicated that the cost for that would be roughly \$ 20,000.00. He indicated that the idea was not to create additional caseloads and stated that currently the City of Kittitas has a 1% caseload.

Chairman McClain questioned the County Prosecutor on how he came up with the figure of \$ 20,000.00.

Greg indicated that the figure was taken from City of Cle Elum's court cost including salary and benefits. He indicated that a percentage was taken from that figure to come up with a figure to give to the City of Kittitas.

Mayor Arrington indicated that the City of Kittitas spent only \$14,000.00 this year and that in 2007 there were only 260 cases. He questioned whether the City of Kittitas would be responsible for the jail expenses.

Judge Haven explained how cases are counted and how different violations equal different percentages in totaling a count to give a complete caseload count.

Greg explained that not all cases need a public defender or a Prosecutor.

Commissioner Huber felt there had to be another way to cover the cost. She felt that the City of Kittitas should not pay the full \$20,000.00 up front.

Commissioner Crankovich suggested looking at a staggered payment plan. He explained if they could roughly forecast the next three years they could then come up with a three-year payment plan that is staggered.

Judge Haven explained court costs and how they sentence. He explained that generally they would try to find another route of discipline instead of actual jail time, whether that be community service or another routes. He explained that right now especially the jail, they can't take on more prisoners and that Lower District Court (LDC) is only sentencing jail time if the case is for someone that has had an outstanding warrant or if they are in for a third or fourth DUI etc..

Pat Alvord indicated that the City of Kittitas had proposed for the 2009 budget \$19,000.00 dollars for jail expenses.

Chairman McClain indicated that if they designated \$10,000.00 for prosecution and \$10,000.00 for the defender expenses that would meet the \$20,000.00 figure for City of Kittitas court cost and since the City of Kittitas would handle their own jail fees it would meet the quoted figure and no other costs would have to come into play. He indicated that he would like to find a way to just charge the City the first year instead of all three years and then the City would just incur minimal cost the second and third year.

Greg indicated that as far as just giving the services he was unsure how it could be done. He explained that we can't just take on additional caseloads and not be compensated at all. He explained how you could not just gift the work and not have any kind of exchange of services. He also suggested looking at possibly going out for a contracted Public Defender which could be done by advertizing and RFQ. He indicated that LDC currently is contracted with Eileen Murphy.

Robin indicated that right now the contracted public defender submits bills but they are few and far between. She explained that makes it very hard to forecast your expenses. She also explained that there are times where the judge has denied the bill.

Commissioner Crankovich expressed his concerns over the current City of Kittitas contracted public defender. He explained that he needs to be held accountable and bill for his services in a timely manner. He explained why its unacceptable to bill every three or four months and what kind of backlog problems that it causes. He expressed his concern over the Judge denying bills from the current public defender because they are from so long ago. He indicated that all the bills need to be submitted and put through a review process.

Chairman McClain indicated that he would guarantee that the costs in years two and three are guaranteed to go up in court expenses. He suggested that the County re-visit the agreement with the City of Ellensburg regarding the cost for a public defender since we do not currently bill them for hearing there cases. He questioned how the City of Kittitas bills.

Mayor Arrington indicated that City of Kittitas bills per case.

There was discussion on if LDC took on the City of Kittitas how the billing would take place.

Pat asked if it would be possible to leave a clause in the inter-local for re-negotiating every year, and to consider a flat fee.

Mayor Arrington questioned what the transition time would be and if it would just be the existing caseload that would be carried over and how they would go about applying debt that is being collected in collections. He indicated they have been working on getting all the outstanding debts to collections and there are many years worth of cases sitting in collections currently.

Chairman McClain indicated that the transition time would most likely be January 1, 2009. He felt it made the most sense to have the old cases that are in collections, that whatever is collected goes back to the City of Kittitas. He said LDC would just take on the new and active cases.

Greg indicated they needed to be sure to advertize everywhere that all active cases would as of January 1, 2009 be heard and the County Courthouse.

Pat indicated that the City of Kittitas had been working on a draft of a potential inter-local for consideration and could bring that forward for the Prosecutor's review.

Chairman McClain indicated that both the City of Kittitas and Kittitas County would need to hold Public Hearings to adopt the inter-local.

Commissioner Crankovich moved to direct staff to draft a legal notice and request to set a public hearing for December 2, 2008 at 2:00 p.m. in the Commissioners Auditorium Room #109 for the purposes of Kittitas County's consideration to assume the City of Kittitas Municipal Court functions. Commissioner Huber seconded. Motion carried 3-0.

The meeting adjourned at 10:07 a.m.

**DEPUTY CLERK OF THE BOARD**

**KITTITAS COUNTY COMMISSIONERS  
KITTITAS COUNTY, WASHINGTON**

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**Mandy Robinson**

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**Mark McClain, Chairman**