

**COMMISSIONERS' MINUTES
KITITITAS COUNTY, WASHINGTON
COMMISSIONERS CONFERENCE ROOM
SPECIAL MEETING**

TUESDAY

8:00 A.M.

JULY 14, 2009

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

Others: Julie Kjorsvik, Clerk of the Board; Brent Bottoms, Deputy Prosecutor.

SPECIAL MEETING DOE MEMORANDUM OF AGREEMENT COMMISSIONERS

At 8:00 a.m. Chairman Crankovich opened a special meeting to discuss a proposed Memorandum of Agreement on exempt wells between the Washington State Department of Ecology and Kittitas County. The Board said they were being faced with a 10:00 a.m. deadline by DOE to respond to the proposed documents.

The Board discussed the proposed Memorandum of Agreement and Rule, and said they did not understand it and needed clarification. Commissioner Jewell said according to Brent Bottoms, Prosecutor Greg Zempel would not change his question that he sent to the Attorney General's office for an opinion and that although he may choose to join in with other questions, he would not change his that were previously submitted. Chairman Crankovich said he received an email stating Tom Tebb at the Department of Ecology, referenced him being in support, which was not accurate and wanted the record to reflect he has currently not exercised any level of support of the proposed MOA and Rule.

At 8:45 a.m. Deputy Prosecutor Brent Bottoms arrived to the special meeting. He indicated that the DOE's attorney he has been working with was out of the office for a week and wanted to wait to talk to him about their latest proposal. The Board directed Mr. Bottoms to let him know that they were not yet in a position to move forward with the proposed MOA and Rule, because they needed additional time to review it and would like to seek clarifications, noting they were being faced with a 10:00 a.m. deadline.

At 9:05 a.m. Chairman Crankovich announced the Board would recess into an Executive Session for five minutes to discuss with legal counsel representing the agency matters relating to agency enforcement actions, or to discuss with legal counsel representing the agency litigation or potential litigation to which the agency, the governing body or a member acting in an official capacity is, or

is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency, with no action anticipated.

At 9:10 a.m. the Board reconvened out of Executive Session with no action taken. Chairman Crankovich announced the Board would recess back into an Executive Session for five minutes to discuss with legal counsel representing the agency matters relating to agency enforcement actions, or to discuss with legal counsel representing the agency litigation or potential litigation to which the agency, the governing body or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency, with no action anticipated.

At 9:15 a.m. the Board reconvened out of Executive Session with no action taken. Chairman Crankovich announced the Board would recess back into an Executive Session for five minutes to discuss with legal counsel representing the agency matters relating to agency enforcement actions, or to discuss with legal counsel representing the agency litigation or potential litigation to which the agency, the governing body or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency, with no action anticipated.

At 9:20 a.m. the Board reconvened out of Executive Session. The Board directed Mr. Bottoms to contact the Department of Ecology and update them on what the Board's comments were.

The meeting was adjourned at 9:20 a.m.

CLERK OF THE BOARD

**KITTITAS COUNTY COMMISSIONERS
KITTITAS COUNTY, WASHINGTON**

Julie Kjorsvik

Alan Crankovich, Chairman