

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

WEDNESDAY

11:00 AM

DECEMBER 30, 2009

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

Others: Catherine Dunn, Deputy Clerk of the Board; Tom Tebb, Department of Ecology; Greg Zempel, Prosecutor; Kirk Holmes, Interim Community Development Services Director; Cathy Bambrick, Public Health Administrator; Holly Duncan, Joe Gilbert, Environmental Health; Brent Bottoms, Deputy Prosecutor (by phone); Catherine Clerf, David Whitwill, Central Washington Home Builders.

PUBLIC HEARING DOE MEMORANDUM OF AGREEMENT COMMISSIONERS

At 11:00 a.m. **Chairman Alan Crankovich** opened the special meeting to consider a discussion of the Memorandum of Agreement with the WA ST Department of Ecology regarding exempt wells in Upper County.

Tom Tebb, DOE, said he was there to present a Memorandum of Agreement proposal negotiated between himself and Vice-Chairman Jewell.

Commissioner McClain said that it was important to consider that there is no existing MOA at this time. **Mr. Tebb** said the County and DOE were in the dispute resolution portion of the existing MOA. **Vice-Chairman Jewell** said that the County had been told by Jay Manning, former DOE Director, that the MOA was terminated. **Chairman Crankovich** agreed and said that the date was around July 1, 2009.

Commissioner McClain said he thought a discussion of the work that the groundwater group had done should be included.

Vice-Chairman Jewell said that the map is not legible. There have been a lot of requests but it is hard to read. **Tom Tebb** said he will have the State GIS personnel send it to the County GIS people. **Vice-Chairman Jewell** said that a detailed map was needed for the public hearing.

There was further discussion on questions from the Board concerning the ability of the County to challenge Department of Ecology rules.

Brent Bottoms, Deputy Prosecutor, expressed concern with the addition of the words "or closure" in several places as this is more of a legal issue or definition. **Tom Tebb** replied that the Department of

Ecology doesn't agree with that, it doesn't take away the act of challenge and it was a procedural issue and not to take away from the county's ability to challenge. **Prosecutor Greg Zempel** said they hadn't seen "closure" before and it caused some concern.

Greg Zempel said for purposes of clarity, he would like to see all the attachments.

Tom Tebb said this MOA has been a long slog. Director Sturdevant has asked him to take this on with renewed vigor. He said there is a groundswell of concern on this 150 day window. They will challenge the outcome. He said the State and County need to work together to save the resources and economic viability of the County.

Vice-Chairman Jewell said this creates a level of certainty. He asked if all were willing to put the MOA forth for review and public hearing.

Mr. Tebb said he would like to post the document under consideration onto their website and then include the Board of Commissioner's comments. He did not want to waste time as the rule will be done.

Vice-Chairman Jewell moved to direct the Clerk of the Board to prepare a legal notice for a public hearing to consider the new Memorandum of Agreement with the Department of Ecology, to be placed on the January 5, 2010 agenda for approval. **Commissioner McClain** seconded the motion. Motion carried, 3-0.

Vice-Chairman Jewell will work on communications regarding the MOA.

The meeting was adjourned at 11:50 a.m.

DEPUTY CLERK OF THE BOARD

KITTITAS COUNTY COMMISSIONERS
KITTITAS COUNTY, WASHINGTON

Catherine Dunn

Alan Crankovich, Chairman