

**KITTITAS COUNTY  
BOARD OF COMMISSIONERS  
COMMISSIONERS AUDITORIUM  
SPECIAL MEETING**

**TUESDAY**

**4:00 P.M.**

**JULY 22, 2014**

Board members present: Chairman Paul Jewell; Vice-Chairman Gary Berndt. Absent: Commissioner Obie O'Brien (showed up at 4:10 so he participated in the 2<sup>nd</sup> item on the Agenda).

Others: Mandy Buchholz, Deputy Clerk of the Board; Chris Horner, Deputy Prosecutor; and Peter Dykstra, Plauché & Carr LLP by phone.

**SPECIAL MEETING**

**DYKSTRA-CLARKE AMENDMENT**

**COMMISSIONERS**

At 4:00 p.m. Chairman Jewell opened a Special Meeting to consider a proposed first amendment to an Agreement to assign trust water rights and to consider a Settlement Agreement and Release of All Claims with Summer Seasons LLC.

Peter Dykstra, Plauché & Carr LLP reviewed the Amendment being proposed and stated that there has been a reduction in the price paid with the Clennon Trust Water Bank. He stated that originally the County was assigned 14.49 acre feet of consumptive use, unless the tentatively obligated 0.548 of consumptive acre feet are not irrevocably obligated by November 30, 2014 and in that instance an additional 0.548 consumptive acre-feet will be assigned to the County. He stated that the purchase price was \$200,000.00 for the currently unobligated 14.49 consumptive acre-feet, noting there was potential for an additional payment of \$8,000.00 if Clennon assigns the currently tentatively obligated 0.548 consumptive acre-feet to the County. He stated that the Amendment to the Agreement reflects the following changes: 14.29 consumptive acre-feet with a price reduction to \$197,296.00. He stated that it comes from Clennon and the County wishing to amend the Agreement to Assign Trust Water Rights to acknowledge Clennon's disclosure of an additional 0.196 consumptive acre-feet of trust water that has been irrevocably obligated to a third party and is not available for assignment to the County.

**2014-07-22 MINUTES**

**APPROVED**

**8-5-14**

**AGREEMENT****CLENNON/CO. TRUST WATER BANK****COMMISSIONERS**

Commissioner Berndt moved to authorize Chair signature on the First Amendment to an Agreement to Assign Trust Water Rights between Barton H. Clennon and Sheila E. Clennon and Kittitas County. Chairman Jewell seconded. Motion carried 2-0 (O'Brien absent).

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**SPECIAL MEETING****SUMMER SEASONS LLC.****COMMISSIONERS**

Chris Horner, Deputy Prosecutor presented the Board with a Settlement Agreement and Release of All Claims between Summer Seasons LLC, and Kay Warren and Candice D. Warren, Trustees of the Warren Family Trust collectively Summer Seasons/Warren and Kittitas County. He stated that if the Settlement Agreement is agreed upon then the parties agree to fully and finally mutually release all other parties, and each of their respective past, present and future officers, directors, trustees, partners, members, attorneys, employees insurers, agents successors and assigns "Released Parties" from and against any and all claims, demands, liabilities, injuries, damages, actions and attorney fees and costs, whether past, present or future, known or unknown, direct or indirect, whether arising under statute, tort or otherwise, which the parties have, or might now have, or may have against any of the Released Parties in any way arising out of, relating to or in connection with, directly or indirectly, the causes of action alleged in the lawsuits with the sole exception of any claims for breach of the Settlement Agreement. He stated that within five court days of the signing of the Settlement Agreement, the Parties will stipulate to the dismissal of all claims with prejudice in the Lawsuits, without further costs or attorney's fees to either party and Summer Seasons/Warren will file the appropriate dismissal papers with the Kittitas County Superior Court.

**AGREEMENT****SUMMER SEASONS LLC./KITTTITAS CO.****COMMISSIONERS**

Commissioner Berndt moved to Authorize Chair signature on a Settlement Agreement and Release of All Claims, a Mutual Release & Settlement Agreement entered into by and among Summer Seasons LLC, and Kay Warren and Candice D. Warren trustees of the Warren Family Trust "Summer Seasons/Warren" and Kittitas County. Commissioner O'Brien seconded. Motion carried 3-0.

The meeting was adjourned at 4:20 p.m.

DEPUTY CLERK OF THE BOARD

  
Mandy Buchholz

KITTITAS COUNTY COMMISSIONERS  
KITTITAS COUNTY, WASHINGTON

  
Chairman Obie O'Brien  
