

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

**THURSDAY**

**2:00 P.M.**

**JUNE 25, 2009**

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

Others: Julie Kjorsvik, Clerk of the Board; Cathy Bambrick, Public Health Administrator; Brent Bottoms, Deputy Prosecutor; Tom Tebb, Representing the Department of Ecology and Brian Faller, Assistant Attorney General (via telephone).

**SPECIAL MEETING            DOE MEMORANDUM OF AGREEMENT            COMMISSIONERS**

At 2:00 p.m. Chairman Crankovich opened a special meeting to consider the Department of Ecology Memorandum of Agreement and the Emergency Rule.

Brent Bottoms, Deputy Prosecutor and Brian Faller, Assistant Attorney General, summarized the work they had been doing on the Memorandum of Agreement and reviewed each outstanding item. Tom Tebb, representing the Department of Ecology, reminded the Board the Emergency Rule expires on July 1<sup>st</sup> so June 30<sup>th</sup> is the deadline for making a determination. Commissioner McClain said had been trying to make sense of Department of Ecology Director Jay Manning's recent letter. Mr. Tebb reviewed the reasons why they had chosen certain areas and that the Memorandum of Agreement would incorporate the new Rule. He noted there was only one aquifer in the Upper County versus 7 in the Lower County. Mr. Tebb explained the premise of Mr. Manning's letter and said he would like to redefine the questions that were submitted to the Attorney General's office by the County, and asked if the County was interested in rewriting their question, in order to be more direct and include the newest revisions of the MOA which could have a bearing on the outcome of the answer. Commissioner Jewell asked if DOE was only concerned with Kittitas County, why they wouldn't want to submit their own questions. He felt the Prosecutors question posed to the AG's office was clear and had not changed and that's what he would like an answer to. Mr. Faller asked if the County would consider substituting the new Rule with the old Rule in their request to the AGO's office.

Commissioner McClain indicated that Prosecutor Greg Zempel was an independent elected official and the Board of County Commissioners can't force him to do anything. He felt the County and DOE had come a long way, although it was difficult to keep up with new drafts coming out all of the time. He said everyone had been trying to work in good faith. Mr. Bottoms offered to get the language from DOE on what questions they would like to propose and ask Prosecutor Zempel his thoughts. Mr. Tebb said if another Emergency Rule was drafted they would possibly extend the deadline in order to work on the AGO's questions. Commissioner Jewell said there had been a lot of work done by both parties, but he did not want to compromise the County's position. Mr. Faller said he and Mr. Bottoms could continue to work on another draft and possibly have it out by next Monday.

Commissioner Jewell moved to continue the meeting for further discussion to July 8, 2009 at 10:00 a.m. in the Commissioners Auditorium. Commissioner McClain seconded. Motion carried 3-0.

Meeting adjourned at 3:40 p.m.

**CLERK OF THE BOARD**

**KITTITAS COUNTY COMMISSIONERS  
KITTITAS COUNTY, WASHINGTON**

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**Julie Kjorsvik**

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**Alan Crankovich, Chairman**