



## BOARD OF YAKIMA COUNTY COMMISSIONERS

Regular Meeting  
Work Session

Friday, May 26, 2023, at 9:00 am

BOCC Conference Room, Room 232, 128 N 2nd Street, Yakima, WA 98901 or Zoom

5/26/2023 - Minutes

### 1. CALL TO ORDER

Meeting Called to Order at 9:00 a.m.

PRESENT: Chair LaDon Linde, Commissioner Amanda McKinney, Commissioner Kyle Curtis, Legal Counsel Stefanie Weigand, Deputy Clerk of the Board Erin Franklin, Human Resources Director Jacqui Lindsay, Environmental Services Director David Haws, Public Services Director Lisa Freund, Water Resources Strategic Manager Joel Freudenthal, Financial Services Director Craig Warner, and guests.

### 2. PUBLIC COMMENT

No Public Comment Received.

### 3. HUMAN RESOURCES UPDATE (15 Minutes)

Jacqui Lindsay presented two action memos to the Board. The first was from the Department of Assigned Counsel, to promote an individual from Attorney 2 to Attorney 3 now that they have met the requirement of 8 years' experience. This employee has been excelling at handling felony cases in Superior Court. The cost difference for the remainder of the year would be \$5,926. The Commissioners approved this request.

The second request was from Public Services: Building & Fire, to change a vacant position from Project Coordinator 1 (B24) to Project Coordinator 2 (B25), to reflect the new pay plan. This change would be effective as of June 1st. The Commissioners approved this request.

### 4. PUBLIC SERVICES (60 Minutes)

Water Banking Grant: Joel Freudenthal shared a draft letter for the Commissioners to consider sending to the Board of Directors of the Selah-Moxee Irrigation District, requesting to purchase water rights. Both Joel and SMID prefer an active leasing program where the water being banked will be used for beneficial purposes and not just sit there in instream flow. Joel also briefly discussed the dichotomy between the Hirst decision and the Growth Management Act, and how that has so profoundly complicated the management of water issues. Commission McKinney suggested that she meet with Joel, David, the irrigation district board, and possibly Tom McDonald or either Don Anderson or Dan Clark for preliminary discussions, and then come back to the full Board of County Commissioners with an agreement to review and consider. Commissioners Curtis and Linde stated that they were fine with this approach.

Joel then explained the need for policy direction in terms of quantities and funding sources if the Board

would like to purchase water rights with leftover funds from the one-time \$2 million water banking grant from the Department of Ecology; he noted that a portion of the water would be required to be designated for permanent instream flow. In response to Commissioner Linde's question, he clarified that the County would communicate and collaborate with the cities before finalizing elements of the water bank, to ensure that their needs are taken into account; these conversations would also be connected with the county-wide planning process for Urban Growth Areas. Commissioner McKinney noted the Board had set aside some LTCF funds for water purchase as well; she suggested that the Board could use these funds to purchase water rights from SMID even if the water banking grant is unsuccessful; Commissioner Linde concurred.

In response to Commissioner Curtis' question, Joel clarified that leasing from the irrigation district is actually a purchase of water rights – it refers more to how the County would then lease those water rights to others, and the irrigation district would potentially manage them. The County will have to find out what kind of arrangement SMID might be interested in.

Joel went on to discuss the complexities of water right acquisition and management. He also explained that if an area's municipal water rights are exhausted, cities and counties would have to have mitigated water for any new growth. However, cities on the Reservation have their water rights administered by the Tribe, which complicates things and involves many unknowns. He noted that county-wide planning policies flow directly into the cities' capital facilities plans, and thankfully, most of the cities in Yakima County contract with HLA for engineering, which helps to give the County a single point of contact for management and administration of water rights and capital facilities for those utilities, etc.

Based on her takeaways from a water conference she attended in St. George, Commissioner McKinney stated that she would like to first finalize any YCWRS updates and enter into negotiations with SMID to purchase water rights. Afterward, she would like to meet with David, Joel, HLA, and the cities about water banking plans and strategies, as well as potentially updating city codes regarding water use and conservation. Other cities (such as in the American Southwest) are already taking serious measures to this end. In Yakima County, the irrigation districts and agricultural industry have taken significant steps in this area, but it hasn't been examined as much from a municipal standpoint. In response to Commissioner Curtis' question, she acknowledged that additional water banking would help mitigate this issue. Joel also noted that municipal supply is a very non-consumptive use, and stated that he believes there is a way to make all the various needs and purposes work together.

Joel proceeded to outline the task list he had built in Ecology's grant application program, including: Preparation of Trust Water Right Agreement, Purchase White Water Right, Ahtanum/Wenas Mitigation Water Right Acquisition (Commissioner McKinney noted that she has a meeting scheduled to try to move this process forward), Internal County Bank Structure, Acquire Selah Moxee Irrigation District Rights, and Extent and Validity County Owned Rights. In response to the Board's questions about who would be taking over water resources issues after Joel's retirement in July, including the water banking grant in particular. David noted that he will probably handle the grant, and Joel added that the County will likely have a better idea of water rights going forward after this grant process concludes. Lisa Freund offered to flesh out the plans and preparation for Joel's retirement in more detail at a future meeting. Commissioner Linde also directed Erin Franklin to send a copy of David and Joel's SMID draft letter to the Commissioner for further review.

YCWRS – Next Steps: Commissioner McKinney explained that the Board had received draft comments from Tom McDonald via email this morning about the proposed ordinance changes; she would like to meet with him and County Prosecutor Joe Brusuc to discuss these comments at a future Work Session. She noted that the Board had left the last YCWRS public hearing open, and stated that she believes the Board should provide Tom's comments and the Board's thoughts to stakeholders to receive their input, followed by another public hearing. She restated her desire to ensure that Yakima County doesn't make regulations more onerous on residents. Commissioner Linde agreed that he would like to set up a time to discuss the draft comments. He and Commissioner McKinney also briefly discussed the interplay between water law and the Growth Management Act, as well as the Department of Ecology's and the public's understanding of this legislation. Additionally, they further discussed Commissioner McKinney's takeaways from the water conference she attended.

## 5. AGENDA ITEM REVIEW (10 Minutes)

Erin Franklin reviewed for the Board all Agenda items submitted for Tuesday's Regular Agenda Meeting.

The Commissioners had no changes for the May 30, 2023, Agenda.

Commissioner Linde stated that he would reach out to County Engineer Matt Pietrusiewicz with a few questions about Resolution 140-2023.

Commissioner Curtis and Stefanie Weigand also asked that Erin resend the supporting documents for Corporate Counsel's items, as a refresher on the details.

#### 6. COMMISSIONER UPDATES/ GENERAL DISCUSSION

ALS Denial Letter: Stefanie Weigand presented a draft of this letter to be sent to Attorney James Carmody. The Board approved the signing and sending of this letter, and Commissioner McKinney authorized Erin Franklin to use her signature stamp.

EWCOG Representative: Commissioner McKinney raised the question of which Commissioner would be the BOCC's representative for EWCOG. The Board agreed that Commissioner McKinney would be the main representative, with Commissioner Linde as the alternate. Commissioner McKinney confirmed that she would reach out to Commissioner Linde if she was not able to attend meetings in person so that he could attend in her stead; otherwise, she would try to attend online. Commissioner Curtis noted that he would love to be able to host one of the meetings in Yakima, and also directed Erin to add EWCOG to the list of Commissioner-represented boards.

#### 7. EXECUTIVE SESSION (30 Minutes)

The Board met in executive session for 30 minutes at 10:30 a.m. to discuss potential litigation as allowed by RCW 42.30.110(1)(i). Commissioner Linde returned at 11:00 a.m. to extend the session by 5 minutes. The Board returned at 11:05 a.m., and no further action was taken.

#### 8. NEW BUSINESS

Commissioner Linde noted that the Commissioners' Office would be closed Monday in Observance of Memorial Day, and Monday's Work Session would thus be cancelled.

#### 9. ADJOURN

Commissioner McKinney MOTION: To Adjourn

Commissioner Linde SECOND

Motion Passes to Adjourn. Meeting Adjourned at 11:06 a.m.

All work sessions are recorded and will be available to view on the BOCC website at <https://www.yakimacounty.us/AgendaCenter/Board-of-Commissioners-2>.

APPROVED DATE

DATE/Minutes