

SPOKANE COUNTY WATER UTILITY COORDINATING COMMITTEE
EXECUTIVE COMMITTEE

MINUTES FOR OCTOBER 18, 2021

Executive Committee Members:

Tim Murrell, Whitworth Water District, WUCC Chair

Kelly Williquette, Spokane County Water District #3

Todd Henry, Vera Water and Power

Jim Sakamoto, City of Spokane Water Department

Todd Ableman, City of Cheney

The meeting was held on the remote meeting application ZOOM and called to order at 11:00 am by Tim Murrell, WUCC Chair. All Executive Committee Members were present.

The meeting was a continuation of the meeting held on October 13, 2021. The purpose of the meeting was to take action on the following item:

In accordance with Section 8.2.3 of the Spokane County Coordinated Water System Plan (“CWSP”) the Executive Committee will establish a process for review of appeals pursuant to Section 8.2 of the CWSP.

Tim Murrell opened the meeting by stating that there are three items for discussion related to the meeting purpose: 1) review, and if appropriate adoption, of the written summary of the process prepared by Mike Nelson, Deputy Prosecutor-Civil Division Spokane County Prosecutors Office; 2) provision of a verbal overview of the process akin to jury instructions from Mike Nelson to committee members for their information, and 3) discussion of the time table if an appeal is filed. Committee members supported both the process and timeline provided and reviewed. There was a suggested edit to the terminology used to describe the parties to the appeal, which was supported by committee members. The final process and timeline is attached to this meeting summary.

A motion was made by Kelly Williquette, seconded by Jim Sakamoto, to adopt the written appeals process provided to the committee in advance of the meeting. The motion was passed unanimously.

A motion was made by Kelly Williquette, seconded by Jim Sakamoto, to amend the previously adopted process to reflect the terminology 'appellant' and 'respondent' rather than 'appellant' and 'plaintiff'. The motion passed unanimously.

A motion was made by Jim Sakamoto, seconded by Todd Henry, to continue the meeting until November 1, 2021 at 11:00 am. The motion passed unanimously.

Meeting adjourned at 11:40 am.

Consolidated Process
FINAL

- (1) The Appellant files an appeal with the Spokane County Environmental Services Department. The filing of the Appeal with the Spokane County Environmental Services Department starts the 45-day time frame for the Executive Committee to consider the Appeal and render findings and recommendations.
- (2) The Spokane County Environmental Services Department forwards the Appeal to the Executive Committee.
- (3) The Parties agree in writing on a statement of the disputed issue(s).
- (4) The Parties in writing are to advise the Executive Committee if the Parties have previously met to negotiate the disputed issue(s). Parties are to also provide in writing what each party believes the nature of the impasse is.
- (5) The Parties are given an opportunity to submit their respective positions on the issue(s) in writing to the Executive Committee and the other party. The written document(s) shall include argument with legal authorities, exhibits, declarations/affidavits, and any other matters relevant to their position on the issue(s).
- (6) The concept is to limit live witness testimony before the Executive Committee. Everything, other than the live witness testimony would be reduced to writing and all facts attested to in a declaration(s)/affidavit(s).
- (7) As the Appellant would then file a response to Respondent's position, given an interval of time after the original deadline to file submissions. With their original submissions, the Parties will provide the Executive Committee and the other party with a list of witnesses they will be calling to provide live testimony at the public meeting.
- (8) The Executive Committee would set a date for a public meeting date during the 45-day time frame afforded for the Executive Committee to issue a "statement of findings and recommendations on the issue(s)" as provided for in the CWSP. The Parties would appear and present live witness testimony on their positions, and then make their oral argument. The public meeting will be virtual only, not in-person. The Parties will be able to cross-examine each other's witnesses at the public meeting, which will be informal in nature. The rules of evidence applicable to a civil trial in Spokane County Superior will not be controlling but may provide guidance.
- (9) The Executive Committee will require the Parties to submit a scheduling order to the Executive Committee wherein they agree on the date for their submittal of items on (5) above and witnesses addressed (6) above. If they cannot agree on a joint scheduling order, the Chair of the Executive Committee will issue a scheduling order.

- (10) The Executive Committee will set a date/time to render a written decision on its “statement of findings and recommendations for disposition of the issue(s)” within the 45-day frame from the submission of the Appeal as provided for in the CWSP. The written decision will be e-mailed to Parties as identified by each entity.

DELIVERABLE TIMEFRAME

FINAL

CWSP “Timely and Reasonable” Appeal Process

Day 1 If any date falls on a weekend or holiday, the due date shall be the following business day.

Days Remaining = 45

- Appeal received by County Environmental Services Department.

Day 7 – If any date falls on a weekend or holiday, the due date shall be the following business day.

Days Remaining = 38

- Within 7 days of receiving written appeal, Parties must submit mutually agreed upon statement of the disputed issue(s). The Parties are also encouraged to present an agreed statement of undisputed facts.
- Appellant provides written submission to Committee including legal argument, exhibits and declarations, and a list of witnesses they will be calling for live testimony at the public meeting.

Day 14 – If any date falls on a weekend or holiday, the due date shall be the following business day.

Days Remaining = 31

- Parties provide in writing details concerning any prior negotiations that have taken place, if any, the status of negotiations, and provide respective positions on the issue(s).
- Respondent provides submission to Committee including legal argument, exhibits and declarations and a list of witnesses they will be calling for live testimony at the public meeting.

Day 21 – If any date falls on a weekend or holiday, the due date shall be the following business day.

Days Remaining = 24

Appellant provides to Committee any response/rebuttal to Respondent’s submission. Public notice of meeting

Day 22-30

- Soon after Appellant response, Committee to set and provide public notice of a “virtual” meeting setting date and time. Public Notice of the meeting date will be provided to the Parties at least _____ days before the meeting date.

Day 22 until Meeting Date -

- Committee members review the written submissions individually.

Meeting Date (somewhere before Day 40, leaving not less than 5 days before deadline) –

- Meeting takes place.

On or Prior to Day 45 –

- Committee issues findings and recommendations to Parties.