

1
2 Smith & Lowney PLLC
3 Knoll Lowney, WSBA # 23457
4 2317 E. John St.
5 Seattle, WA 98122

6 FILED WITH THE SPOKANE COUNTY AUDITOR

7
8 IN RE RECALL AGAINST SPOKANE) STATEMENT OF RECALL CHARGES
9 COUNTY COMMISSIONER AL FRENCH) AND BRIEF IN SUPPORT OF
10) SUFFICIENCY OF RECALL CHARGES
11)
12)

13 STATEMENT OF RECALL CHARGES

14 A. Identification of elected official and organization and voter seeking recall:

15 As a legal voter in the State of Washington, Spokane County, and County Commission
16 District 5, I demand the recall and discharge of Spokane County Commissioner Al French on behalf
17 of

18 Organization name:

19 Clean Water Accountability Coalition
20 1503 South Ash Street
21 Spokane, WA 99203

22 Petitioner name and address:

23 Mary Ellen Benham
24 3616 N. Dowdy Rd.
Spokane, WA 99224

1 As Spokane County Commissioner, Al French has committed malfeasance, misfeasance,
2 and/or violations of his oath of office, based upon the following charges:

3 **B. Combined Factual Allegations:**

4 1. Al French admits that in or around 2017, he learned that chemicals released from the
5 Spokane International Airport (“Airport”) were likely poisoning the wells of his West Plains and
6 Airway Heights constituents. For the next seven years, he repeatedly failed to take action to protect
7 his constituents and instead used his position on the County Commission to cover up and conceal the
8 public health crisis, causing his constituents to drink poisoned water for up to seven additional years.

9 2. In 2017, Al French learned that fire-fighting chemicals used at the Airport were a
10 likely source of per- and polyfluoroalkyl substances (known as “PFAS” and commonly referred to as
11 “forever chemicals”) that were poisoning the drinking water of his West Plains and Airway Heights
12 constituents. PFAS have been linked to several cancers, heart disease, high cholesterol, thyroid
13 disease, low birth weight, and other diseases. French and Airport CEO, Larry Krauter, have publicly
14 confirmed that Al French obtained this information in 2017 while serving as a member of the Airport
15 Board. Krauter publicly confirmed that the Airport learned of this information in 2017 and provided
16 it to the Airport Board, which included Al French. This knowledge is reasonably imputed to Al
17 French as a member of the Airport Board.

18 3. Upon learning that the Airport was likely poisoning his constituents’ drinking water,
19 Al French did not disclose this information to the County’s public health authorities or take any
20 action to investigate the scope of the problem or protect his constituents from unknowingly drinking
21 contaminated water.

22 4. Had French fulfilled his duties to his constituents, testing of drinking water wells
23 would have begun in 2017 and constituents with poisoned wells would have been eligible for bottled
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1 water, water treatment and/or other government support. For example, when PFAS contamination
2 was identified at Fairchild Airforce Base in 2017, the military began testing private wells in that area.
3 However, when French learned of the Airport’s PFAS pollution in 2017, he covered up the problem
4 and blocked investigations, delaying testing of his constituents’ wells until March of 2024, seven
5 years after the cover up began.

6 5. Rather than promptly taking action to protect public health, Al French repeatedly used
7 his position as a county commissioner to conceal and cover up the drinking water crisis. French did
8 so because he knew further investigation would be detrimental to the Airport and S3R3, on whose
9 boards he served. For example,

10 a. In February 2020, the Spokane County Water Resource Department
11 made a routine ministerial request to the County Commission to approve grant
12 funding to investigate and define the sources and pathways of PFAS in the West
13 Plains neighborhood. One day before the scheduled Commission meeting, French
14 called Environmental Services Manager Rob Lindsay and informed him that the
15 PFAS grant application item had been removed from the agenda. According to
16 Lindsay, French was concerned about the “timing and potential impact on the airport.”

17 b. Due to Al French’s obstructionism, the Water Resource Department
18 never was able to obtain that grant.

19 c. In or around July 2021, County staff found an alternative path to fund
20 the PFAS research through a Department of Ecology grant to the Spokane Regional
21 Health District. However, the grant program required the Spokane County
22 Commission to authorize County staff to work on the project. County staff indicated
23 in emails that they had capacity and sought County Commission’s approval to do the
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1 PFAS research work. *See* emails dated July 15, 2021, July 17, 2021, September 2,
2 2021, and October 6, 2021. The County staff’s investigation would have included
3 taking samples of water in the area to determine the source and extent of PFAS
4 contamination. *Id.*

5 d. Al French blocked the County from supporting the application because
6 although he held meetings and discussions with County staff, he ultimately failed to
7 move forward the process of giving County approval to accept this Ecology grant for
8 the PFAS investigation. *Id.* (mentioning repeated discussions with French about the
9 request for County approval). On or about September 8, 2021, County CEO Scott
10 Simmons sent an email to Kevin Cooke and water specialist Robert Lindsay stating, “I
11 had a chance to discuss with Al [French] today. He indicated he would like to discuss
12 further with airport prior to our committing to get involved. I’ll let you know more
13 after I hear back from Al.”

14 e. Approximately two weeks later, the grant’s administrator at the
15 Department of Ecology sent a reminder that Ecology would need approval of both the
16 County and the Health District to release the funds. Mike Hermansen, Spokane
17 County Water Resources Manager, replied to Ecology four days later, stating, “I am
18 still waiting on direction on whether our program is in a position to accept the grant
19 funding.”

20 f. Between June and September of 2021, French exercised a “pocket
21 veto” by preventing the County Commission from approving County staff to work on
22 the project, thereby preventing access to the funds which had been allocated by the
23 Department of Ecology to investigate the PFAS crisis. French never removed his veto
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1 to allow this investigation into the source of drinking water pollution. As a result, the
2 County water specialist who had advocated for the investigation ultimately resigned.

3 g. Repeatedly over these seven years, including specifically in January
4 2024, French received requests to investigate the water crisis, but failed to act on the
5 complaints.

6 6. Upon learning that the Airport was likely poisoning his constituents' drinking water,
7 Al French did not take any action to disclose or address what has now become an irreconcilable
8 conflict of interest. During the period from 2017 to 2024, Al French held three different positions and
9 owed fiduciary duties to three different organizations. During this period he served as a (1) Spokane
10 County Commissioner; (2) member and then officer of the Airport Board; and (3) member and then
11 Chair of S3R3, a Public Development Authority ("PDA") which recruits businesses to the West
12 Plains Airport Area. S3R3 owned or controlled former Airport property that may be polluted. The
13 Airport Board and S3R3 are distinct legal entities with the capacity to sue and be sued. **See Exhibit**
14 **__** (S3R3 Charter and Bylaws);¹ *Spokane Airports v. RMA, Inc.*, 149 Wn. App. 930, 206 P.3d 364
15 (2009) (Airport bringing suit and defending against claims).

16 7. Rather than faithfully serving as a county commissioner by taking actions which
17 would have addressed the public health crisis, French took actions to cover up the crisis. French
18 engaged in these cover up actions to protect the Airport Board and S3R3 from controversy and
19 negative consequences at the expense of his constituents. As a county commissioner, he should have
20 expedited investigation into the water crisis to protect public health and prevent his constituents from
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22

23 ¹ Amended Charter and Bylaws of the West Plains/Airport PDA (S3R3) can be found [here](#):
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1 drinking poisoned water. Instead, as a member and then officer of the Airport Board and S3R3, he
2 took action to protect those entities interests.

3 8. Al French's cover up was also motivated by the fact that the Airport had concealed its
4 PFAS problem from the State Department of Ecology since 2017. French and the Airport knew they
5 would face serious repercussions if and when Ecology learned that they failed to promptly report the
6 Airport's PFAS problem. Indeed, when Ecology did eventually learn of the coverup years later, it
7 began an enforcement action, which the Airport is currently seeking to resolve through an agreed
8 order.

9 9. From 2017 to 2024, Al French continued to address drinking water issues as a
10 member of the County Commission, despite having an undisclosed and unresolved conflict of
11 interest on this issue.

12 10. French knew or should have known of the importance of acting quickly to identify
13 contaminated wells and pollution pathways that threatened drinking water. He knew his constituent's
14 drinking water was polluted because of his role working with the Airport Board and because of his
15 work with other airports, including Fairchild Air Force Base. French had meetings and traveled to
16 Washington DC to address the PFAS issue *on behalf of airports*, while ignoring and imperiling the
17 health of his constituents. When testing finally did begin – seven years later – French stated, "The
18 importance of being able to do the testing is it provides data, and with data we can start to design a
19 solution for long-term restoring good quality drinking water to the West Plains."

20 11. To date, French continues to place his loyalties to the Airport and S3R3 above his
21 constituents. According to reported interviews, "[w]hen asked why it's taken seven years to get
22 testing for those near the airport, French said, 'Airport leadership is working with the Department of
23 Ecology and the Federal Aviation Administration because some of the contamination that we've
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1 experienced on the airport is a direct result of directives that we got from the FAA. So, that process is
2 underway and they'll be working to resolve that between the three agencies.”” In other words, he is
3 still making excuses for the Airport rather than fulfilling his role as a County Commissioner.

4 12. In October of 2023, Commissioner French instructed the County Commissioners to
5 discuss the Airport’s PFAS issues only in executive session due to potential litigation. However, this
6 request was made in violation of the Open Public Meetings Act. The potential litigation that French
7 cited as the reasoning for an executive session involved the Airport and S3R3, not the County.
8 Restricting Board discussions of the Airport to Executive Sessions serves as a violation of French’s
9 responsibilities to the County and his constituents.

10 13. In June of 2024, Commissioner French promised the West Plains Water Coalition
11 President a seven-year summary of his own knowledge of PFAS water contamination at the airport
12 “in two to three weeks.” Nick Gibson & Amanda Sullender, *County Commissioner Al French fights*
13 *back with newly released documents muddling the waters in PFAS Saga*, THE SPOKESMAN-REVIEW
14 (Aug. 4, 2024), [https://www.spokesman.com/stories/2024/aug/04/county-commissioner-al-french-](https://www.spokesman.com/stories/2024/aug/04/county-commissioner-al-french-fights-back-with-new/)
15 [fights-back-with-new/](https://www.spokesman.com/stories/2024/aug/04/county-commissioner-al-french-fights-back-with-new/). French claimed he was going through seven years of records and documents
16 from his time on the Airport Board and S3R3 Board while serving as County Commissioner. Eight
17 weeks later, however, this promised June report is still missing. *See id.*

18 14. The above factual allegations are also supported by the following exhibits:

Exhibit Number	Description	Relevance
1	Oath of Office	Oath taken by Commissioner French
2	2/4/20 County Letter about PFAS Study	Acknowledges importance of PFAS study to identify victims and provide support
3	2/11/20 Letters of support for PFAS study by Congresswoman Cathy McMorris-Rogers, City of Medical Lake, Department of	Acknowledges importance of PFAS study to identify victims and provide support; Ecology and Interior volunteer resources.

	Ecology, US Department of Interior	
4	PFAS Study Proposal	Goal is to identify impacted residents and source of pollution
5	3/20/20 Email	“personalities” may delay funding
6	6/16/21 Email	Commissioner French gives preliminary approval to County providing support so PFAS study can happen, but says he wants to talk with Airport CEO Larry Krauter
7-9,	Various emails	Commissioner French is informed that the grant for PFAS study is available for the County, that the County has resources and staff supports it, but needs his approval. French remains in the center of process without disclosing conflict of interest.
10	8/18/21 email	PFAS study will identify victims and protect human health
11-13	Various emails	Commissioner French is informed that the grant for PFAS study is available for the County, that the County has resources and staff supports it, but needs his approval. French remains in the center of process without disclosing conflict of interest.
14	9/8/21 email	French changes his position reflected in 6/16/21 email and now will not approve the County’s involvement without more discussions with the Airport.
15	9/20/21 email	PFAS study is still on hold
16	10/6/21 email	French knows that the 450k is available for PFAS study and still on hold
17	10/12/23 email	French instructs that the Airport’s pollution issues may only be discussed in executive session due to litigation threat to Airport.
18	10/12/23 letter from Airport	Airport publicly confirms its 2017 PFAS testing
19	10/12/23 letter from Airport lawyers	Reveals that the Airport faces legal jeopardy due to PFAS contamination and claims that allegations against Airport are harming Airport’s ability to sell surplus properties.
20-21	Bylaws and Charter of the West Plains PDA	French owes S3R3 duty of loyalty as board member and chair. Document

		indicates that S3R3 is an entity that can sue and be sued.
22	October 24, 2023, Board of County Commissioner Meeting Minutes	Based upon French instructions, the Board’s discussion of Airport’s PFAS was apparently held behind closed doors.

15. In addition to the facts stated above, evidence is contained in the following articles:

Aaron Hedge, *Al French’s PFAS Pipe Dream*, RANGE MEDIA (June 19, 2024), <https://rangemedia.co/al-french-pfas-pipe-dream-west-plains-water-spokane-county/#:~:text=After%20years%20of%20silence%20on,about%20the%20contamination%20since%202017>

Timothy Connor, *Al French And The “Forever Chemicals” Cover-Up*, RHUBARB SKIES (Dec. 23, 2023), <https://www.rhubarbskies.net/al-french-and-the-forever-chemicals-cover-up/>

Amanda Sullender, *Spokane County Commissioner Al French Proposes Ambitious PFAS Solution...*, THE SPOKESMAN-REVIEW (May 27, 2024), <https://www.spokesman.com/stories/2024/may/27/spokane-county-commissioner-al-french-proposes-amb/>

Samantha Wohlfeil, *EPA, Ecology And Spokane Officials Urge West Plains Residents To Sign Up For Free PFAS Testing*, INLANDER (Mar. 6, 2024), <https://www.inlander.com/news/epa-ecology-and-spokane-officials-urge-west-plains-residents-to-sign-up-for-free-pfas-testing-27585343>

Amanda Sullender, *Many with PFAS in their West Plains wells question airport leadership and Commissioner Al French*, THE SPOKESMAN-REVIEW (July 21, 2024), <https://www.spokesman.com/stories/2024/jul/21/many-with-pfas-in-their-west-plains-wells-question/>

Nick Gibson & Amanda Sullender, *County Commissioner Al French fights back with newly released documents muddling the waters in PFAS Saga*, THE SPOKESMAN-REVIEW (Aug. 4, 2024), <https://www.spokesman.com/stories/2024/aug/04/county-commissioner-al-french-fights-back-with-new/>

C. Statement of Charges:

Charge One: Spokane County Commissioner Al French used his position as a County Commissioner to conceal and cover up the fact that “forever chemicals” used by the Airport were likely poisoning his constituents’ drinking water in the West Plains and Airway Heights neighborhoods. This cover up delayed the response to the crisis by approximately seven years during

1 which his constituents unknowingly drank polluted water or were at risk of doing so. This violated
2 his fundamental duties to Spokane County and his constituents, including to faithfully fulfill his
3 official duties and protect the health of his constituents. To the extent that he had discretion, he
4 exercised it “in a manifestly unreasonable manner or exercised it for untenable reasons.” *In re Recall*
5 *of Sawant*, 197 Wn.2d 420, 446, 483 P.3d 752, 766 (2021). His representation of his constituents on
6 this issue also suffered from an irreconcilable conflict of interest. He could not fulfill his
7 commitment to the County or his constituents because he owed a duty of loyalty to the Airport Board
8 and to S3R3, a PDA that recruits businesses to the West Plains Airport Area and has potential
9 liability for the pollution.

10 **Charge Two:** By failing to disclose or address his irreconcilable conflict of interest and by
11 using his office to conceal and cover up the Airport’s pollution problem and the Airport Board and
12 S3R3’s potential liability, at the expense of his constituents, Commissioner French violated public
13 policy and ethical standards under the common law and RCW 42.23.070. *See Smith v. Centralia*, 55
14 Wash. 573, 104 Pac. 797 (1909) (recognizing the common law prohibition of conflicts of interest);
15 *See* 2016 AGO 7 (in “situations of overlapping and potentially conflicting duties of loyalty, we have
16 previously concluded that offices are incompatible,” unless steps are taken to avoid such conflict.)

17 **Charge Three:** By helping to conceal and cover up the Airport’s pollution problem and the
18 Airport Board and S3R3’s potential liability, Commissioner French used his position to grant special
19 privileges to the Airport Board and S3R3 in violation of RCW 43.23.070. *See In re Recall of*
20 *Feetham*, 149 Wn.2d 860, 72 P.3d 741 (2003) (Holding prima facie violations of RCW 42.23.070(1)
21 were sufficient to support a recall where the mayor directed the town building inspector not to
22 enforce the building code); *Hubbard v. Spokane County*, 146 Wn.2d 699, 50 P.3d 602 (2002)

1 (holding illegal zoning decision constituted special privilege), *overruled on other grounds* by *Rose v.*
2 *Anderson Hay & Grain Co.*, 184 Wn.2d 268, 358 P.3d 1139 (2015).

3 **Charge Four:** By the actions described herein, Commissioner French violated County ethical
4 standards. For example, he violated the Spokane County Conflict of Interest Policy 711.III.B, which
5 prohibited him from participating in the “section, award or administration” of a contract in which he
6 “has a real or apparent conflict of interest.” He violated this rule by twice interfering with the
7 formation of such a government contract when he had a real and apparent conflict of interest. In
8 addition, he violated applicable ethical standards under Spokane County Code 1.04.030, which
9 required he carry out his official responsibilities regarding procurement “above reproach in every
10 respect” and meet “the highest degree of public trust.” His interference with the County’s efforts to
11 obtain and spend grant moneys to investigate the water crisis was subject to the code because it
12 “affect[ed] a procurement transaction.” This conduct also violated Spokane County Conflict of
13 Interest Policy 711.III.C, which prohibits outside employment or financial interests “that may
14 conflict with the best interest of the County or interfere with employee's ability to perform their
15 assigned jobs,” including those that “[m]ay reasonably be perceived by members of the public as a
16 conflict of interest or otherwise discredits public service. Employees are expected to devote their best
17 efforts to the interests of the County and the conduct of its affairs.” Moreover, “No employee may
18 engage in outside work that will interfere with his or her primary job with the County.”

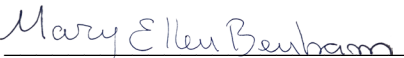
19 **Charge Five:** Commissioner French violated the Open Public Meetings Act, RCW Chapter
20 42.30, and any analogous policies of the County, when he instructed the Commission to hold all
21 discussions about the Airport’s PFAS contamination behind closed doors rather than in an open
22 public meeting as required. Because only the Airport and S3R3 were at legal risk of litigation, not the
23 County or its officers, RCW 43.30.110(1)(i) did not authorize the calling of an executive session.

24

1 Commissioner French’s illegal instructions to the Commission were part of the cover-up scheme and
2 constituted malfeasance, misfeasance, and violation of oath of office.

3 **D. Voter’s Oath and Signature:**

4 I state under oath under the laws of the State of Washington that I believe the above charges
5 to be true and have knowledge of the alleged facts upon which the stated grounds for recall are
6 based,

7 
8 Mary Ellen Benham
9 Mary Ellen Benham

9 **LEGAL MEMORANDUM IN SUPPORT OF RECALL CHARGES**

10 The Clean Water Accountability Coalition and voter Mary Ellen Benham, by and through
11 counsel, hereby submit this brief in support of the Statement to Recall Charges for Spokane County
12 Commissioner Al French for misfeasance, malfeasance, and violation of his oath of office.

13 The Statement of Recall Charges are legally sufficient under the recall standards of
14 Washington State. French endangered his Airway Heights and West Plains constituents, abused his
15 power as County Commissioner to protect his own interests as a Spokane International Airport board
16 member and a S3R3 board member, and maintained an egregious conflict of interest that caused his
17 constituents to unknowingly drink contaminated water for the past seven years.

18 **A. Outline of Recall Process**

19 “Recall is the electoral process by which an elected officer is removed before the expiration
20 of the term of office.” *In re Recall of Burnham*, 194 Wn.2d 68, 75, 448 P.3d 747, 751 (2019) (citing
21 *Chandler v. Otto*, 103 Wash.2d 268, 270, 693 P.2d 71 (1984)). “In Washington, voters have a
22 constitutional right to recall a nonjudicial elected official who has committed some act or acts of
23 malfeasance or misfeasance while in office, or who has violated his [or her] oath of office.” *Id.*

24

1 (citing Wash. Const. art. I, § 33). “Every elective public officer in the state of Washington expect
2 [except] judges of courts of record is subject to recall and discharge by the legal voters.” Wash.
3 Const. art. I, § 33.

4 Chapter 29A.56 of the Revised Code of Washington lays out the procedure for a recall
5 petition to become effective. First, a voter must create and file a charge with “the elections officer
6 whose duty it is to receive and file a declaration of candidacy for the office concerning the incumbent
7 of which the recall is to be demanded.” RCW 29A.56.110; RCW 29A.56.120. The elections officer
8 provides notice of the charge to the incumbent whose recall is being sought and transmits it to the
9 prosecuting attorney to prepare “a ballot synopsis of the charge of not more than two hundred
10 words.” RCW 29A.56.130. The synopsis must “set forth the name of the person charged, the title of
11 the office, and a concise statement of the elements of the charge.” *Id.*

12 The Prosecuting Attorney must then “certify and transmit the exact language of the ballot
13 synopsis to the persons filing the charge and the officer subject to recall.” and “to the superior court
14 of the county in which the officer subject to recall resides.” *Id.*

15 The Prosecuting Attorney must “petition the superior court to approve the synopsis and to
16 determine the sufficiency of the charges.” *Id.* Within fifteen days of receiving the petition, the
17 superior court must hold a hearing to determine “whether or not the acts stated in the charge satisfy
18 the criteria for which a recall petition may be filed, and . . . the adequacy of the ballot synopsis.”
19 RCW 29A.56.130.

20 If the court determines the petition is sufficient, it must “certify and transmit the ballot
21 synopsis to the officer subject to recall, the person demanding the recall, and either the secretary of
22 state or the county auditor, as appropriate.” RCW 29A.56.140. At that point, sponsors of the recall
23 must obtain sufficient signatures supporting the recall. RCW 29A.56.150; RCW 29A.56.150. If the
24

1 sponsors succeed, the recall passes to the people of Washington to decide whether to remove the
2 incumbent through a special election. RCW 29A.56.210; RCW 29A.56.260.

3 The courts have a limited role in the recall process. *In re Recall of Kast*, 144 Wn.2d 807, 813,
4 31 P.3d 677, 680 (2001). Courts “function as a gatekeeper” to ensure the minimal legal and factual
5 sufficiency of recall petitions to protect public officials from harassment through “frivolous or
6 unsubstantiated charges.” *Id.* “The voters act as the fact-finders, and so the courts do not “attempt to
7 evaluate the truthfulness of the charges in a petition.” *Id.* The Court’s role is simply to determine
8 “whether, accepting the allegations as true, the charges on their face support the conclusion that the
9 officer abused his or her position.” *In re Recall of Wasson*, 149 Wn.2d 787, 792, 72 P.3d 170, 172
10 (2003).

11 At the hearing stage, “[t]he court shall not consider the truth of the charges, but only their
12 sufficiency.” RCW 29A.56.140. “Sufficiency” refers to two distinct concepts: factual sufficiency and
13 legal sufficiency. *Burnham*, 194 Wn.2d at 75. A charge is factually sufficient when it provides a
14 detailed description of events, which, if accepted as true, would constitute a prima facie showing of
15 misfeasance, malfeasance, or a violation of the oath of office. *Id.* A charge is legally sufficient if it
16 specifies substantial conduct that clearly amounts to misfeasance, malfeasance, or violation of a
17 public official’s oath of office. *Id.* The Court must certify the petition if it states both legally and
18 factually sufficient allegations that the official engaged in misfeasance, malfeasance, or a violation of
19 the official’s oath office. *Burnham*, 194 Wn.2d at 70; RCW 29A.56.110(1).

20 **B. Legal Standards**

21 **1. Factual Sufficiency**

22 “Factually sufficient” means the petitioner has alleged facts that “establish a prima facie
23 [case] of misfeasance, malfeasance, or violation of the oath of office.” *Cole v. Webster*, 103 Wn.2d,
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1 280, 288, 692 P.2d 799, 804 (1984). The charges as a whole must identify to the electors and to the
2 official being recalled acts or omissions that without justification support recall. *Chandler v. Otto*,
3 103 Wn.2d 268, 274, 693 P.2d 71, 74 (1984). This prima facie showing ensures that both the voters
4 and the officials can make an intelligent decision on the recall charge. *Teaford v. Howard*, 104
5 Wn.2d 580, 586-87, 707 P.2d 1327, 1332 (1985).

6 The test of factual sufficiency refers to whether the charge complies with the statutory
7 requirement to “state the act or acts complained of in concise language, give a detailed description
8 including the approximate date, location, and nature of each act complained of, . . . and be verified
9 under oath that [the petitioners] believe the charge or charges to be true and have knowledge of the
10 alleged facts upon which the stated grounds for recall are based.” RCW 29A.56.110; *see Burnham*,
11 194 Wash. 2d at 76.

12 “Although a court may not determine whether charges are true, it may go outside the petition
13 to determine whether there is a factual basis for the charges.” *In re Recall of Sandhaus*, 134 Wn.2d
14 662, 669, 953 P.2d 82, 85 (1998). When “the petition charges the official with violating the law, the
15 petitioners must at least have knowledge of facts which indicate an intent to commit an unlawful act.”
16 *In re Wade*, 115 Wn.2d 544, 549, 799 P.2d 1179, 1181 (1990). Documents published by media which
17 directly evidence the official’s misconduct, such as newspaper publications of transcripts of a public
18 official’s conversations that are the subject of misfeasance or malfeasance, are sufficient to establish a
19 petitioner’s personal knowledge. *See In re Recall of West*, 155 Wn.2d 659, 121 P.3d 1190 (2005); *In*
20 *re Recall Charges Against Davis*, 164 Wn.2d at 368-69, 193 P.3d 98, 101 (2008). Here, County
21 Commissioner French’s misconduct has been sufficiently established through statements contained in
22 documents obtained from public records requests and news articles, including direct quotes from French,
23 his constituents, and other Spokane County public officials.

1 **2. Legal Sufficiency**

2 “Legally sufficient means that an elected official cannot be recalled for appropriately
3 exercising the discretion granted him or her by law. To be legally sufficient, the petition must state
4 with specificity substantial conduct clearly amounting to misfeasance, malfeasance, or violation of
5 the oath of office.” *Chandler*, 103 Wash.2d at 274.

6 “‘Misfeasance’ or ‘malfeasance’ in office is any wrongful conduct that affects, interrupts, or
7 interferes with the performance of official duty.” RCW 29A.56.110(1). “Misfeasance” is “the
8 performance of a duty in an improper manner,” while “malfeasance” means “the commission of an
9 unlawful act.” *Id.* at (1)(a)-(b). “By restricting the definition of misfeasance to wrongful conduct
10 affecting the duties of the officer, RCW 29A.56.110 precludes recall charges based on private
11 conduct unrelated to those duties.” *West*, 155 Wn.2d at 674. "Violation of the oath of office" is the
12 willful neglect or failure by an elected official to faithfully perform a duty imposed by law. RCW
13 29.82.010(2). These definitions, along with the entire recall statute, should be construed in favor of the
14 voter, not the elected official. *In re Recall of Pearsall-Stipek*, 141 Wash. 2d 756, 765, 10 P.3d 1034,
15 1040 (2000).

16 The requirements of legal and factual sufficiency protect elected officials from recall based on
17 “frivolous charges or mere insinuations” or “appropriately exercising the discretion granted him or her
18 by law.” *West*, 155 Wn.2d at 674; *Burnham*, 194 Wn.2d at 76 (*citing Chandler* 103 Wash.2d at 274).
19 Nor may an official be recalled “if the conduct is insubstantial or if the elected official acted with a
20 legal justification.” *Kast*, 144 Wash.2d at 815. But when a petition identifies “a standard, law, or rule
21 that makes the elected official’s conduct unlawful,” and alleges facts that, if true, form a violation of
22 that standard, law, or rule, the petition is [legally and factually] sufficient for the voters to decide
23 whether to recall the official. *See Burnham*, 194 Wash.2d at 76.

1 **C. Summary of Charges**

2 The four charges against Spokane County Commissioner Al French are summarized as:

3 **Charge One Summary:** Commissioner Al French used his County Commissioner position to
4 cover up the Airport’s release of PFAS into the drinking water of West Plains and Airway
5 Heights constituents and delayed the response to the crisis, leading his constituents to
6 unknowingly drink contaminated water for seven years.

7 **Charge Two Summary:** Commissioner Al French failed to address or disclose an egregious
8 conflict of interest and used his office to shield the Airport Board and S3R3 from liability,
9 which violates public policy and ethical standards under the common law and RCW
10 42.23.070.

11 **Charge Three Summary:** Commissioner Al French used his position as County
12 Commissioner to grant special privileges to the Airport Board and S3R3, in violation of RCW
13 43.23.070, by helping conceal the Airport’s pollution and potential S3R3 and Airport Board
14 liability.

15 **Charge Four Summary:** Commissioner Al French violated multiple Spokane County ethical
16 standards including the Spokane County Conflict of Interest Policies 711.III.B and 711.III.C,
17 and Spokane County Code 1.04.030.

18 **Charge Five Summary:** Commissioner Al French violated OPMA and its policies by
19 enforcing a code of silence and instructing the Commission to illegally exclude the public
20 from all discussions about the Airport and S3R3’s PFAS pollution and cover up.

21 **D. Argument**

22 Each of the acts listed in Charges (1), (2), (3), (4), and (5) if accepted as true, constitute a prima
23 facie showing of misfeasance, malfeasance, or violation of County Commissioner French’s oath of
24 office. *Burnham*, 194 Wash. 2d 68, 76 (2019). With respect to each, the Statement of Recall Charges
gives “a detailed description including the approximate date, location, and nature of each act
complained of.” RCW 29A.56.110. The charges are factually and legally sufficient to proceed with
the recall process and be presented to voters.

1. **County Commissioner French covered up the Airport’s release of PFAS
contamination into the drinking water of his constituents and held off water crisis
recourse for seven years.**

The Statement of Recall Charges alleges that Spokane County Commissioner French used his

1 position as County Commissioner to hide the fact that the Airport’s use of PFAS was likely
2 poisoning his constituents’ drinking water in West Plains and Airway Heights. This coverup delayed
3 aid or response to the water crisis by seven years, causing French’s constituents to unknowingly
4 drink polluted water or risk doing so. French’s actions, furthermore, violated his duties to Spokane
5 County and his constituents. By concealing the presence and source of dangerous cancer-causing
6 “forever chemicals”, County Commissioner French acted recklessly with regard to the health and
7 safety of his constituents and the integrity of his office. Because he owed a political and financial
8 duty to the Airport Board and S3R3, he deprioritized the duties he owed to the people of Spokane
9 County as County Commissioner. This glaring conflict of interest violates his commitment to the
10 County, to his office as County Commissioner, and to his constituents.

11 On July 15, 2021, emails from the Department of Ecology indicate Spokane County had been
12 awarded a groundwater investigation grant for the West Plains region. However, due to Commissioner
13 French’s interference, the investigation was never carried out. French removed an agenda item to
14 approve the grant, citing concerns about “potential effect[s] on the airport.” Sullender, *Many with*
15 *PFAS in their West Plains wells.*

16 Here, there are clear facts which indicate misfeasance, malfeasance, and/or violation of oath of
17 office. The Spokane County Oath of Office, taken by all County Commissioners, including
18 Commissioner French, states, “I will faithfully and impartially discharge the duties of this office to
19 the best of my ability.” When French took his oath of office as a Spokane County Commissioner, he
20 ensured that he would "faithfully and impartially discharge the duties of" the office. He failed to
21 carry out this promise when he chose to protect the Airport Board from possible investigation and
22 liability, rather than advocate for clean water solutions for his constituents. He was clearly unable to
23 impartially aid the constituents of West Plains and Airway Heights while also serving the interests of
24

1 the Airport Board and S3R3. These alleged facts constitute a clear violation of the oath of office.
2 French's actions also exemplify a high degree of misfeasance, the performance of a duty in an
3 improper manner. French acted against the best interest and at the expense of his constituents by
4 intentionally delaying water testing and aid from the Department of Ecology

5 **2. County Commissioner French failed to disclose his conflict of interest and used**
6 **his office to shield the Airport and S3R3 from liability, violating RCW 42.23.070.**

7 County Commissioner French took no steps to mitigate or disclose the conflict between the
8 interests and wellbeing of his constituents and the interests of the Airport Board and S3R3. From
9 2017 to 2024, Commissioner French held three different positions and owed fiduciary duties to each:
10 Spokane County Commissioner, board member and then officer at the Airport, and member and then
11 chair of S3R3. S3R3 owned or controlled former Airport property that may be contributing to the
12 drinking water crisis. Diligently investigating and exposing the truth about drinking water quality, as
13 French should have done, would have protected his constituents, but potentially placed the Airport
14 and S3R3 at greater legal risk.

15 Airport CEO Larry Krauter discovered the Airport's PFAS contamination in 2017 and
16 informed the Airport board about it. Aaron Hedge, *Al French's PFAS Pipe Dream*, RANGE MEDIA
17 (June 19, 2024), [https://rangemedia.co/al-french-pfas-pipe-dream-west-plains-water-spokane-](https://rangemedia.co/al-french-pfas-pipe-dream-west-plains-water-spokane-county/#:~:text=After%20years%20of%20silence%20on,about%20the%20contamination%20since%202017)
18 [county/#:~:text=After%20years%20of%20silence%20on,about%20the%20contamination%20since%202017](https://rangemedia.co/al-french-pfas-pipe-dream-west-plains-water-spokane-county/#:~:text=After%20years%20of%20silence%20on,about%20the%20contamination%20since%202017). As an active member of the Airport Board, French would have heard about the issue in
19 2017. Commissioner French himself stated that he knew of the airport's contamination in 2017. *Id.*
20 Other sources he said he learned of the water test in "2018 or 2019." Sullender, *Many with PFAS in*
21 *their West Plains wells*. For seven years, Commissioner French knew the Airport was discharging
22 PFAS into the water of his constituents' wells but failed to take any action to address or remedy the
23 issue, including not informing the County Commissioners. Neither Krauter nor French disclosed the
24

1 Airport’s PFAS discharges when the Airport Board learned about it. *Hedge, Al French’s PFAS Pipe*
2 *Dream*. In 2023, six years later, Krauter was legally obligated to reveal the Airport’s role in PFAS
3 contamination through a public record’s request. *Id.* However, French still maintains “[there is]
4 nothing I did that was inappropriate or biased or trying to hide anything.” Nick Gibson & Amanda
5 Sullender, *County Commissioner Al French fights back with newly released documents muddling the*
6 *waters in PFAS Saga*, THE SPOKESMAN-REVIEW (Aug. 4, 2024),
7 [https://www.spokesman.com/stories/2024/aug/04/county-commissioner-al-french-fights-back-with-](https://www.spokesman.com/stories/2024/aug/04/county-commissioner-al-french-fights-back-with-new/)
8 [new/](https://www.spokesman.com/stories/2024/aug/04/county-commissioner-al-french-fights-back-with-new/).

9 Commission French violated the County Commissioner Oath of Office and RCW 42.23.070 by
10 concealing this information and his conflict of interest and using his power as a Commissioner to
11 protect the Airport from being held accountable and as a result failed to advocate for his constituents.
12 This conflict of interest caused Commissioner French to neglect the vital needs of his constituents in
13 favor of protecting the other entities at which he held positions of power. “RCW 42.23.070(1) clearly
14 prohibits municipal officers from using their positions to secure special privileges or exemptions
15 for *others*... Furthermore, the express purpose of the act was to ensure that government officials
16 conducted business in a "manner that advances the public's interest. LAWS OF 1994, ch. 154, §
17 1.” *Hubbard*, 146 Wn.2d at 712-13. Here, Commissioner French did not conduct business in a
18 manner that advanced the public’s interest. Through his conflict of interest, his office worked against
19 the public’s interest.

20 In determining a recall petition’s factual sufficiency, “courts assume the veracity of allegations
21 made so long as they are reasonably specific and detailed. Voters may draw reasonable inferences
22 from the facts; the fact that conclusions have been drawn by the petitioner is not fatal to the
23 sufficiency of the allegations.” *In re Recall of Boldt*, 187 Wn.2d 542, 544, 386 P.3d 1104, 1107
24

1 (2017). County Commissioner French’s actions display misfeasance, malfeasance, and/or violation
2 of oath of office. Commissioner French’s conflict of interest manifested in the performance of his duty
3 in an improper manner, known as misfeasance. Putting himself in the position to consider the needs of
4 the Airport before or concurrently with the needs of his constituents constitutes performing his role as
5 County Commissioner improperly and demonstrates clear disregard for RCW 42.23.070.

6 **3. County Commissioner French granted special privileges to the Airport and S3R3**
7 **by concealing their pollution and liability, violating RCW 43.23.070.**

8 The Statement of Recall Charges alleged that Spokane County Commissioner French used his
9 position as County Commissioner to provide special privileges to the Airport and S3RS, violating
10 RCW 42.23.070.

11 Commissioner French’s conflicting interests and failure to act is a prima facie violation of
12 RCW 42.23.070, as he secured “special privileges” for “himself or others” by hiding the fact that the
13 fire-fighting chemicals used at the Airport were the source of PFAS in the drinking water of his
14 constituents. The privilege of concealing and shielding the Airport and S3R3 from liability benefited
15 those entities, along with Commissioner French as a board member of both.

16 “Special privileges or exemptions” under RCW 42.23.070 are understood as undue benefits or
17 exceptions secured through the misuse of official authority. *See Feetham*, 149 Wn.2d 860; *Burnham*,
18 194 Wn.2d 68. “RCW 42.23.070(1) creates a valid public policy in favor of prohibiting municipal
19 officers from granting special privileges or exemption to others.” *Hubbard*, 146 Wn.2d at 713. This
20 places a heightened burden on public officials, but “because public officials serve the interests of the
21 citizens of Washington... we find it appropriate to hold them to a high standard.” *Id.*

22 County Commissioner French failed to meet this high standard, as he did not “serve the
23 interests of the citizens of Washington” by allowing the interests of the Airport and S3R3 to take
24 priority. There were repeated requests from 2017 until notably in January 2024 to investigate the

1 water crisis – as this was of vital interest to French’s constituents. By failing to take timely action on
2 behalf of any of those requests, Commissioner French did not serve the interests of the citizens of
3 Washington and therefore failed to meet the standard required of public officials.

4 Here, French awarded special privileges to the Airport and S3R3 by exercising a pocket veto
5 of the PFAS Study to conceal their potential culpability. He had already stated his personal approval
6 for the PFAS Study, but then changed his mind after speaking with the Airport’s CEO.

7 Commissioner French’s interference delayed testing for seven years, during which time his
8 constituents unknowingly were exposed to toxic chemicals in their drinking water. Commissioner
9 French understood the serious public health impacts that could result from this delay. He traveled to
10 other airports, Fairchild Airforce Base, and Washington D.C. to address PFAS contamination
11 concerns on behalf of airports. Hedge, *Al French’s PFAS Pipe Dream*. Given his specific experience
12 with PFAS and polluter airports, Commissioner French's dismissal of the health and safety of West
13 Plains and Airway Heights residents is inexcusable

14 It is reasonable to infer that had Commissioner French not had personal stake within the
15 Airport Board and S3R3, he would have diligently worked to address the public health crisis and
16 would not have interfered with proposals to study the contamination. One can infer that news of
17 contaminated drinking water would be poor publicity for S3R3, an entity aiming to attract people and
18 business to the area.

19 County Commissioner French misused his offer to allow the Airport to avoid accountability
20 and liability for years; delaying water testing, fumbling the Ecology water investigation grant,
21 preventing Spokane County staff from accessing Ecology funds or completing any investigative
22 work, and failing to act on any water quality complaints or community urges for an investigation.

23
24

1 French specifically used a pocket veto to block Spokane County Staff from working on the
2 investigation to be funded by the Department of Ecology. By taking no action on behalf of the county
3 and by preventing others from accessing funds to investigate the water crisis, French effectively took
4 action on behalf of the Airport and S3R3. Performing these acts (and the omission and neglect of the
5 appropriate public servant duties) constitute “special privileges” as used in RCW 42.23.070, as
6 French misused his position of authority by blocking all county efforts to investigate water
7 contamination which allowed the Airport and S3R3 to reap the undue benefits of being hidden from
8 the eye of the Department of Ecology and Spokane County. *See Feetham*, 149 Wn.2d 860; *Burnham*,
9 194 Wn.2d 68.

10 Commissioner French’s conflict of interest manifested into a coverup for entities at which he
11 had personal and professional investment, blocking water quality investigations needed to protect the
12 public health of his constituents. The Legislature’s enactment of RCW 42.23.070(1) was intended to
13 prevent these situations. *See Hubbard*, 146 Wn.2d at 712 (“RCW 42.23.070(1) clearly prohibits
14 municipal officers from using their positions to secure special privileges or exemptions
15 for *others*. Thus, its plain language does not limit the prohibition to only conflict of interest
16 situations.”)

17 **4. County Commissioner French violated multiple Spokane County ethical**
18 **standards, failing to meet “the highest degree of public trust.”**

19 Commissioner French did not merely fail to act, he concealed vital information and hid the fact
20 that thousands of his constituents were drinking water with highly dangerous PFAS levels that carry
21 high risks of cancers and other diseases. This falls below the “highest degree of public trust”
22 Commissioner French was obligated to uphold under Spokane County Code 1.04.030, which
23 required he carry out his official responsibilities regarding procurement “above reproach in every
24 respect” and meet “the highest degree of public trust.” Blocking the County’s efforts to obtain and

1 execute a grant to investigate the water crisis was subject to the code because it “affect[ed] a
2 procurement transaction.” This conduct also violated Spokane County Conflict of Interest Policy
3 711.III.C, which prohibits outside employment or financial interests “that may conflict with the best
4 interest of the County or interfere with employee's ability to perform their assigned jobs,” including
5 those that “[m]ay reasonably be perceived by members of the public as a conflict of interest or
6 otherwise discredits public service. Employees are expected to devote their best efforts to the
7 interests of the County and the conduct of its affairs.” As the Statement of Recall Charges alleges,
8 Commissioner French’s conflict of interest found him hiding the Airport’s pollution from the
9 Department of Ecology and Spokane County, blocking the administration of a grant to address the
10 local water crisis, failing to follow up on the investigation and testing for years despite constituent
11 urging, and giving deference to the Airport on how to handle the pollution once news broke in
12 2023. This conduct discredits public service, as the only parties who benefit from this conflict are
13 French, the Airport, and S3R3.

14 More than one member of the public “reasonably perceived” this conflict of interest, and many
15 have identified ways in which it discredits public service. This situation has already been perceived
16 as a conflict *and* coverup by concerned citizens and journalists. President of Friends of Palisades
17 Craig Volosing, West Plains Water Coalition President John Hancock, and West Plains retired fire
18 chief Nick Scharf are all on record accusing French of mishandling the PFAS situation at the Airport.
19 “Al only admitted there was even a PFAS problem to the community in the last few months. He was
20 aware of that situation for a long time, and he did nothing to protect the community.” Amanda
21 Sullender, *Many with PFAS in their West Plains wells question airport leadership and Commissioner*
22 *Al French*, THE SPOKESMAN-REVIEW (July 21, 2024),
23 <https://www.spokesman.com/stories/2024/jul/21/many-with-pfas-in-their-west-plains-wells->
24

1 [question/](#). Spokane County Environmental Services Manager Rob Lindsay had this to say after
2 Commissioner French blocked the county vote to approve the Ecology grant application: “I’m just
3 very concerned about being potentially implicated in what I see as an obvious attempt on the part of
4 the airport director and potentially others to hide information. And I can tell you that when I spoke to
5 you last time, [in early June of this year] I was unaware. I was as surprised as anybody to learn that
6 the airport board or the airport management was aware of PFAS in their wells as long ago as 2017
7 and 2019...it just makes me want to ask those folks out there ‘what did you know and when did you
8 know it? In my opinion it’s lying by omission.” Timothy Connor, *Al French And The “Forever
9 Chemicals” Cover-Up*, RHUBARB SKIES (Dec. 23, 2023), [https://www.rhubarbskies.net/al-french-
10 and-the-forever-chemicals-cover-up/](https://www.rhubarbskies.net/al-french-and-the-forever-chemicals-cover-up/).

11 Moreover, Spokane County Conflict of Interest Policy 711.III.C provides, “No employee may
12 engage in outside work that will interfere with his or her primary job with the
13 County.” Commissioner French’s outside work for the Airport and S3R3 not only interfered with his
14 primary role as County Commissioner, it led to an abuse of office.

15 In June of 2024, Commissioner French promised the West Plains Water Coalition President a
16 seven-year summary of his own knowledge of PFAS water contamination at the airport “in two to
17 three weeks.” Nick Gibson & Amanda Sullender, *County Commissioner Al French fights back with
18 newly released documents muddling the waters in PFAS Saga*, THE SPOKESMAN-REVIEW (Aug. 4,
19 2024), [https://www.spokesman.com/stories/2024/aug/04/county-commissioner-al-french-fights-back-
20 with-new/](https://www.spokesman.com/stories/2024/aug/04/county-commissioner-al-french-fights-back-with-new/). French claimed he was going through seven years of records and documents from his
21 time on the Airport Board and S3R3 Board while serving as County Commissioner and stated he
22 does not “remember everything that happened seven years ago. We do have records that can identify
23 that, and we’re going to make it public.” *Id.* As of August 2024, eight weeks later, the report is still
24

1 missing. *Id.* County Commissioner French is continuing to conceal information from his constituents
2 while simultaneously urging he has done nothing wrong: “There’s nothing I did that was
3 inappropriate or biased or trying to hide anything.” *Id.*

4 County Commissioner French violated applicable ethical standards under Spokane County
5 Code 1.04.030, which requires official responsibilities regarding procurement to be “above reproach
6 in every respect” and meet “the highest degree of public trust.” His interference with the County’s
7 efforts to obtain and apply the Ecology grant to investigate the water crisis was subject to this code
8 because it “affect[ed] a procurement transaction.” It is not unreasonable to deduce that the County
9 Commissioner’s office would have obtained the grant but for French’s interference, as there is no
10 record of any other Commissioner having reservations about the grant.

11 **5. French directed the Commission to violate OPMA.**

12 French’s cover up also directly violated the Open Public Meetings Act. He specifically
13 instructed his fellow councilmembers to conduct all discussions of the Airport’s PFAS pollution in
14 illegal closed-door sessions. Yet, the County and its officers were never at threat of litigation and
15 therefore there was no legal basis to shut the public out of these discussions. RCW 42.30.110(1)(i)
16 allows an executive session only when there is litigation “that has been specifically threatened to
17 which *the agency*, the governing body, or a member acting in an official capacity is, or is likely to
18 become, a party.” (emphasis added). French could not enforce a code of silence and close out the
19 public from meetings simply because the other agencies to which he owed loyalty had legal risk and
20 were trying to maintain secrecy to serve their business interests.

21 **E. CONCLUSION**

22 The charges against County Commissioner Al French are factually and legally sufficient.

23
24

1 Respectfully submitted this 27th day of August, 2024.

2 SMITH & LOWNEY, PLLC

3 By: s/Knoll Lowney
4 Knoll Lowney, WSBA # 23457
5 Katelyn Kinn, WSBA # 42686
6 Attorneys for Plaintiffs
7 2317 E. John St., Seattle WA 98122
8 Tel: (206) 860-2883 Fax: (206) 860-4187
9 knoll@smithandlowney.com
10 katelyn@smithandlowney.com
11
12
13
14
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Exhibit 1

OATH OF OFFICE

STATE OF WASHINGTON)
) ss.
COUNTY OF _____)

I, _____, do solemnly swear or affirm that I
am a citizen of the United States and State of Washington; that I am legally qualified to
assume the office of _____;
(Office and Position)

that I will support the Constitution and laws of the United States and the State of
Washington; and that I will faithfully and impartially discharge the duties of this office
to the best of my ability.

(Signature) (Printed Name)

Subscribed and sworn before me this _____ day of _____, 20__

(Signature) (Printed Name, Title of Swearing Officer)

Exhibit 2



Spokane County

Environmental Services
Kevin R. Cooke, P.E., Director

February 4, 2020

Dr. Chad Pritchard
Associate Professor, Department of Geology
Eastern Washington University
Cheney, WA 99004-2439

RE: National Priorities: Research on PFAS Impacts in Rural Communities and Agricultural Operations Funding Opportunity Number EPA-G2020-ORD-B1

Dear Dr. Pritchard:

We support Eastern Washington University's (EWU) collaborative effort to make a holistic per- and poly – fluoroalkyl substances (PFAS) fate and transport model for the West Plains of Spokane County, per the EPA's National Priorities grant: "Influence of multiple aquifer types on the fate, transport, and geospatial distribution of PFAS across land-uses and sources." We support this research because there are residents in the eastern part of the West Plains and the Palisades area that are not currently receiving support to determine if their drinking water is contaminated, and, if so, options for treatment. Also, as Washington State PFAS action levels are implemented it is important to understand the distribution of PFAS contamination, and potential sources. Lastly, the insight from this model will contribute to the national dialogue on PFAS contamination and support the sustainability of the local community and environment.

Sincerely,

Rob Lindsay
Water Programs Manager
Spokane County Environmental Services

Exhibit 3

CATHY McMORRIS RODGERS
5TH DISTRICT, WASHINGTON

COMMITTEE:
ENERGY AND COMMERCE

REPUBLICAN LEADER,
CONSUMER PROTECTION AND
COMMERCE

Congress of the United States
House of Representatives

February 11, 2020

COUNTIES:
ASOTIN
COLUMBIA
FERRY
GARFIELD
LINCOLN
PEND OREILLE
SPOKANE
STEVENS
WALLA WALLA
WHITMAN

Environmental Protection Agency
Office of Grants and Debarment
Mail Code: 3901
1200 Pennsylvania Avenue,
N.W. Washington, D.C. 20460

To Whom It May Concern:

I ask for a full and fair consideration of Eastern Washington University's (EWU) collaborative effort to make a holistic per- and poly – fluoroalkyl substances (PFAS) fate and transport model for the West Plains of Spokane County. This EPA National Priorities grant is titled, *"Influence of multiple aquifer types on the fate, transport, and geospatial distribution of PFAS across land-uses and sources."*

The West Plains has been most notably impacted by firefighting foam but looking closer at the PFAS levels indicates that there may be multiple sources. The other sources may include septic systems and application of biosolids from wastewater treatment facilities and older dumps, light industry, and even aerial deposition. This research and modeling will be done in collaboration with the US Air Force, Spokane County Water Resources, Washington State Departments of Health and Ecology, Spokane Regional Health District, and several other governmental and community organizations.

This research is being considered because many of my constituents in the eastern part of the West Plains and the Palisades area are not currently receiving support of any kind for well testing, remediation, or understanding of why their private wells and drinking water are contaminated. The insight from this model will contribute to the national dialogue on PFAS contamination and support the sustainability of the community and environment in my district.

Sincerely,



Congresswoman Cathy McMorris Rodgers
Member of Congress

1035 LONGWORTH HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-2006
FAX: (202) 225-3392

10 NORTH POST STREET, SUITE 625
SPOKANE, WA 99201
(509) 353-2374

555 SOUTH MAIN
COLVILLE, WA 99114
(509) 684-3481

26 EAST MAIN STREET, SUITE 2
WALLA WALLA, WA 99362
(509) 529-9358

www.mcmorrisrodgers.house.gov
www.mcmorrisrodgers.house.gov/facebook



City of Medical Lake
124 S. Lefevre St.
P.O. Box 369
Medical Lake, WA 99022-0369

City Hall: (509) 565-5000

Fax: (509) 565-5008

Parks & Recreation: (509) 565-5007

Police: (509) 342-1735

January 31, 2020

Dr. Chad Pritchard
Eastern Washington University
140 Science Building
Cheney, WA 99004-2439

Dear Dr. Chad Pritchard:

We support Eastern Washington University's (EWU) collaborative effort to make a holistic per- and poly – fluoroalkyl substances (PFAS) fate and transport model for the West Plains of Spokane County. This EPA National Priorities grant is titled, "Influence of multiple aquifer types on the fate, transport, and geospatial distribution of PFAS across land-uses and sources." This research and modeling will be done in collaboration with the US Air Force, Spokane County Water Resources, Washington State Departments of Health and Ecology, Spokane Regional Health District, and a number of other governmental and community organizations. We understand this research is important because there are residents in the eastern part of the West Plains and the Palisades area that are not currently receiving support of any kind for well testing, remediation, or understanding of why their private wells and drinking water are contaminated. Also, as WA State PFAS action levels are implemented it is dire that we understand the distribution of PFAS contamination, regardless of the source. The insight from this model will contribute to the national dialogue on PFAS contamination and support the sustainability of the community and environment.

Sincerely,

Shirley Maike
Mayor

Mayor
Shirley Maike

Administrator
Doug Ross

Finance Director
Karen Langford

Public Works Director
Doug Ross

Police
SCSO

Fire
SCFD3

000006



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

4601 N Monroe Street • Spokane, Washington 99205-1295 • (509)329-3400

February 10, 2020

Dr. Chad Pritchard, Associate Professor
Department of Geology
Eastern Washington University
1175 Washington St., Building 130
Cheney, WA 99004-2439

Re: Department of Ecology letter of intent for Eastern Washington University's EPA National Priorities grant proposal

Dear Dr. Chad Pritchard:

The Washington State Department of Ecology (Ecology) supports Eastern Washington University's (EWU) proposal for an EPA National Priorities: Research on PFAS Impacts in Rural Communities and Agricultural Operations grant. The proposal describes a collaborative effort to make a holistic per- and poly – fluoroalkyl substances (PFAS) fate and transport model for the West Plains of Spokane County. Ecology's Eastern Regional Office will actively participate in the West Plains Collaborative PFAS Committee, including attendance at quarterly meetings and other committee events. The Toxic Cleanup Program representative will also serve as a liaison between the committee and other Ecology Programs on technical and regulatory issues related to PFAS. Staff from Ecology's Solid Waste Management, Water Resources, and Hazardous Waste, and Toxics Reduction Programs may also participate as needed. Ecology staff do not require honorarium for their participation, nor will the model results bind or limit the Ecology Programs involved to pursue regulatory action or the application of law.

Sincerely,

Brook Beeler
Regional Director
Eastern Region
509-329-3478 | brook.beeler@ecy.wa.gov

cc: Jim Pendowski, Toxics Cleanup Program Manager
Darin Rice, Hazardous Waste, and Toxics Reduction Program Manager
Jaime Short, Water Resources Section Manager
Marni Solheim, Solid Waste Management Section Manager



United States Department of the Interior

U.S. Geological Survey
USGS Washington Water Science Center
934 Broadway, Suite 300
Tacoma, Washington 98402
(253) 552-1600, FAX (253) 552-1581
<https://www.usgs.gov/centers/wa-water>

January 30, 2020

Dr. Chad Pritchard
Associate Professor, Department of Geology
Eastern Washington University
Cheney, Washington 99004-2439

Dear Dr. Pritchard

We are writing to express strong support for your grant submittal for the National Priorities: Research on PFAS Impacts in Rural Communities and Agricultural Operations Funding Opportunity Number EPA-G2020-ORD-B1. Your proposed investigation *Influence of multiple aquifer types on the fate, transport, and geospatial distribution of per- and poly-fluoroalkyl substances (PFAS) across land uses and sources* has local and national interest. Completion of this important work will promote an improved understanding of the extent and nature of PFAS occurrence and fate in rural and agricultural aquifers, for which there are few existing data. It will also characterize potential sources such as incinerators, septic systems, and land applied wastewater, and will provide data on a potential remediation technology – biochar – that has local and national relevance.

Two of our scientists, Sue Kahle and Kathy Conn, would like to participate in your planned West Plains Collaborative PFAS Committee to further collaborations with our Science Center and other members of the Committee. Sue is Chief of our Groundwater Systems Section and Kathy is the Center's Water Quality Specialist as well as a member of the USGS National PFAS Workgroup.

We look forward to participating on this collaborative effort to make a holistic PFAS fate and transport model for the West Plains of Spokane County as it will further our understanding of contaminant transport from multiple sources across multiple aquifers. The residents living in and near your study area have much to gain from this investigation as well, as they will directly benefit from well testing and a better understanding of how their private wells and drinking water became contaminated. At the national level, the insights gained from this model will contribute to the dialogue on PFAS contamination and support the sustainability of the community and environment.

Sincerely,
CYNTHIA
BARTON

Digitally signed by CYNTHIA
BARTON
Date: 2020.01.31 07:20:11 -08'00'

Cynthia Barton
Director, Washington Water Science Center

Exhibit 4

West Plains PFAS Groundwater Transport and Fate Study

Washington State Department of Ecology Area Wide Groundwater Grant, March 2020

Introduction

Assessing the impacts of poly- and perfluoroalkyl substances (PFAS) contamination across multiple aquifers and from multiple sources requires a detailed understanding of the hydrogeologic framework to quantifiably determine PFAS sources. The West Plains of eastern Washington is an ideal natural laboratory to study the fate and transport of PFAS because the general geohydrologic framework has been established and collaboration with a number of related PFAS projects will maximize the use of grant funds. This project will help the population, environment, and commercial entities of the West Plains by building a transport model, delineating PFAS contamination, and using unique PFAS distribution at different locations to identify PFAS sources. This project is will also be in collaboration with Eastern Washington University (EWU), with consultative assistance by Washington State Department of Health (WA DOH), Agency for Toxic Substance Disease Registry (ATSDR), and Spokane County Water Resources, which will add to the collaborative knowledge to better understand the influences of PFAS on communities and the environment.

In May of 2017 PFAS was identified in drinking water of Airway Heights due to past use of aqueous film-forming foams (AFFF) at Fairchild Airforce Base (FAFB). Immediately after identifying PFAS contamination levels of up to 100 ug/L for some PFAS constituents at FAFB the Air Force began testing existing wells in the immediate area, referred to in this grant proposal as the “FAFB study” (Figure 1). Detectable levels, often exceeding the 0.07 ug/L EPA recommendation for drinking water were identified within the FAFB study indicating that people working and living at FAFB and the neighboring City of Airway Heights were likely exposed to elevated levels of PFAS for decades (CDC, 2019). Shortly after identifying PFAS contamination in the FAFB study, multiple PFAS contamination locations have been discovered that are outside the FAFB study area. These locations with public/private groundwater wells contaminated by PFAS include an elementary school, county fire station, and several rural residences.

Table 1 - PFAS Sampling Results outside of FAFB Study Area

	Proposed WADOH Standards	Palisades Residence	Great Northern Elementary School	Fire District 10 Station 5
Perfluorobutanesulfonic acid - PFBS	1300			86.3
Perfluoroheptanoic acid - PFHpA	0			336
Perfluorohexanesulfonic acid - PFHxS	70	6.4	74	638
Perfluorononanoic acid - PFNA	14			1010
Perfluorooctanesulfonic acid - PFOS	15		115	1930
Perfluorooctanoic acid - PFOA	10	9.6	12.6	360

all values in ng/L

Those contaminated wells located outside the FAFB study area indicate a high probability that there are additional and unaccounted sources of PFAS impacting area groundwater. Residents in these locations

(West Plains/Palisades) have asked local officials for any assistance that can be provided to cover water testing costs.

PFAS well water testing by these affected locations that are outside the FAFB study area are in the proposed project area, and analytical results (Table 1.) display PFAS levels above EPA health advisory and above Washington State proposed PFAS health standards.

The West Plains is an ideal location to study PFAS because of the amount of work that has already been completed through watershed planning in WRIA 54 and 56 (a series of projects outlined at <http://spokanewatersheds.org/>) including the West Plains Hydrogeologic Framework and 3D projections of the paleochannels (GSI et al., 2012 and Pritchard et al., 2020). Many of these studies are based on existing Water Well Reports stored with the Washington Department of Ecology and will be some of the existing private and monitoring wells that will be monitored for this study. Wells within the project area currently in the West Plains Hydrogeologic database are shown in Figure 1. The goal of this project is to evaluate PFAS contamination outside of the FAFB study area and develop a groundwater flow, fate and transport model to identify potential sources and future contaminant migration.

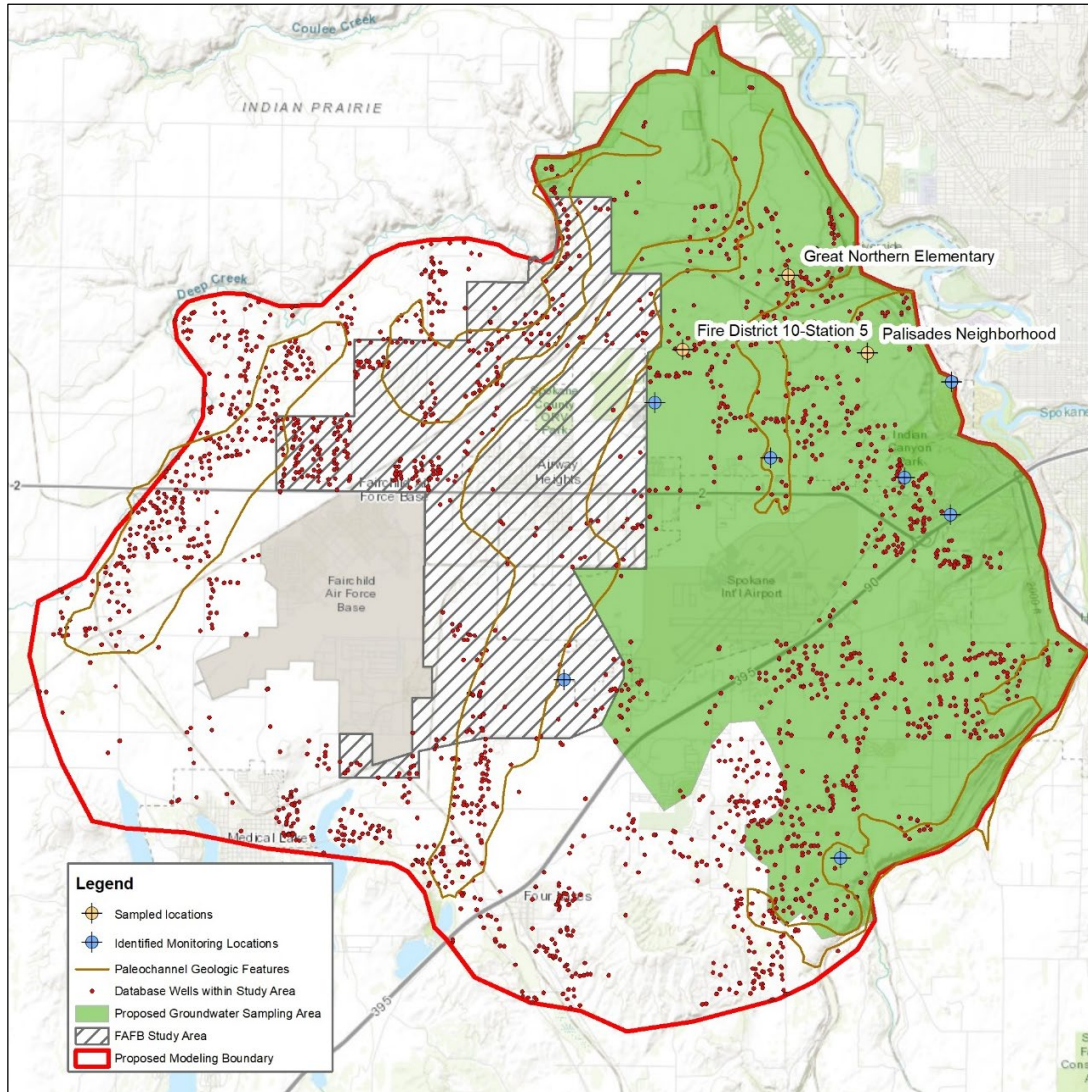


Figure 1: Map of the West Plains of eastern Washington. Fairchild Air Force Base (FAFB) is a site of documented AFFF use with PFAS levels of over 5,000 ng/L. The study site of FAFB PFAS delineation is outlined in a dashed blue line. The Great Northern Elementary School (GNES) and Spokane County Fire District 10, Station 5 (Sta. 5) have preliminary results indicating PFAS contamination. Residents in the rural Palisades area also have preliminary results with PFAS contamination in private wells. This project will use a detailed hydrogeologic framework to better define the extent of PFAS contamination in rural and agricultural areas, including farms and waste water treatment plants. As well as using PFAS analytes to fingerprint potential other sources including Spokane International Airport (GEG), county fire districts, and light industry in the City of Airway Heights

Background

Rural residences in the proposed project area principally withdraw water from three aquifer systems 1. shallow Wanapum Basalt, paleochannels filled with sedimentary deposits, and the deeper Grande Ronde Basalt. Currently PFAS contamination has been found near FAFB in the shallow Wanapum Basalt that underlies the FAFB and continues to the north. PFAS contamination, however, also exists on the eastern West Plains outside of the FAFB study area and likely continues into the lower Grande Ronde Basalt. Though the lower Grand Ronde Basalt aquifer is regionally confined, in the West Plains younger groundwater ages and other parameters indicate that infiltration and potential contamination reaches the lower aquifer, likely due to the paleochannels incised through basalt units (shown in Figure 2), but

also from leaky wells, complex basalt flow-unit geometries along the CRB margins, and fractures (Griggs, 1976; Pritchard and Cebula, 2016; GSI et al., 2012; Pritchard et al., 2020). Hence, a robust MODFLOW/MT3DMS model using data from this project are needed to help decipher the fate and transport of PFAS in the West Plains.

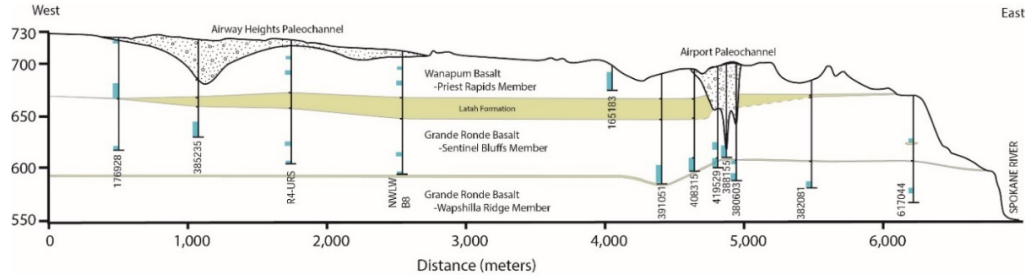


Figure 2: Cross Section across the West Plains showing the general stratigraphy and basaltic aquifers, interbeds of the Latah Formation that can be either aquifers or aquicludes and the Quaternary Paleochannels that may allow for cross-contamination between aquifers. Water wells with Washington State Department of Ecology Well ID #'s. The transect line is presented on the map on the following page. (Modified from Pritchard et al., 2020).

A preliminary look at PFAS analyses (Fig. 3), using analytes from EPA method 537 shows that contamination at Spokane County Fire District 10, Station 5 is much different than other PFAS locations in the West Plains, though the Fire Station is over 7 km away from FAFB and farther west than general models of groundwater flow directions show. We have learned from property owners that have tested their personal wells that some wells in the Palisades area, over 8 km away, have documented higher values of PFAS, and the Great Northern Elementary School currently utilizes bottled water as a result of PFAS contamination in their water supply well. As shown in Figure 3, the presence of PFNA and other elevated PFAS concentrations suggest this contamination is either from a completely different source or some environmental factors have degraded other PFAS substances, such as long-chain breaking down to short-chain (e.g. Buck et al., 2011).

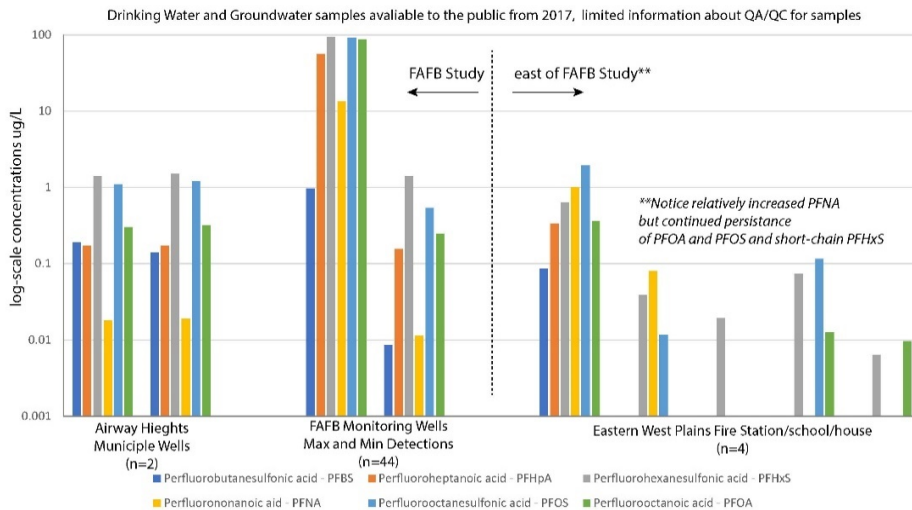


Figure 3: Bar graph of sites in the West Plains with known PFAS contamination, a more thorough public records request and visiting community groups will provide more private well testing results and more detailed information about the FAFB testing.

In partnership with FAFB, EWU, and Spokane County, SRHD will manage the development of a fate and transport model for PFAS that covers the entire West Plains region. Models should assist with

geochemical fingerprinting PFAS sources over great distances, which can be difficult to decipher due to retention and partitioning of PFAS in different parts of an aquifer, interaction with the biosphere, recycling of PFAS by waste water treatment and irrigation, and mixing from multiple sources (Anderson et al., 2019; Boone et al., 2019; Brusseau, 2019, Buck et al., 2011).

Project Goals

The goals of this project are to:

1. Conduct groundwater sampling in the area adjacent to the east side of the FAFB PFAS study area that has not been systematically evaluated for PFAS contamination.
2. Evaluate PFAS groundwater data using statistical techniques to identify potential source areas.
3. Develop a groundwater flow and contaminant fate and transport model to predict probable PFAS migration in aquifers used for drinking water and identify potential source areas.

Project Approach

The proposed project will include public outreach, PFAS groundwater sampling and analysis, PFAS source identification analysis, and groundwater flow and contaminant fate and transport modeling.

Public outreach will be conducted in three ways.

- 1.1 Public meetings will be held to notify and inform property owners within the study area and other interested community members about the project goals, approach, schedule, and results.
- 2.1 Individual outreach will be used to identify property owners interested in participating in the study and to communicate sampling results to participants.
- 3.1 A technical advisory group will be convened to solicit feedback on various technical topics such as sampling and analysis, data evaluation, modeling approaches, etc. There is currently significant work underway at FAFB and this group will be utilized to coordinate efforts.

The proposed project will conduct PFAS sampling at 30 locations quarterly over a 1-year period. This will include 10 known locations that are affected by PFAS that are outside the FAFB study area and 20 additional residential locations. Wells will be selected based on well construction, aquifer the well is completed in, and spatial distribution. There may be interest from property owners beyond the proposed 20 locations, therefore a budget contingency has been included to add additional sampling locations.

Analytical results will be analyzed utilizing environmental forensic techniques similar to methods used with other complex mixtures such as PCBs, PAHs, and TPH. This information will be coupled with a historical land use review and the analytical results to further understand potential source areas.

A groundwater flow model with contaminant transport (MT3DMS) will be developed using (data from) the Hydrogeologic Framework and Conceptual Groundwater Flow Model Review of Groundwater Conditions in the West Plains Area, Spokane County, Washington June 2015. The proposed model will be developed to specifically identify PFAS fate and transport in groundwater using varying groundwater depths, variable PFAS analyte levels, and to model releases from potential source locations to identify possible sources.

Scope of Work

Task 1 – Project Administration

Responsibilities will include, but not be limited to: maintenance of project records; submittal of requests for reimbursement and corresponding backup documentation, progress reports and recipient closeout report (including photos); compliance with applicable procurement, contracting, and interlocal agreement requirements; application for, receipt of, and compliance with all required permits, licenses, easements, or property rights necessary for the project; and submittal of required performance items.

Task 2 – Project Management

Efforts will include: conducting, coordinating, and scheduling project activities and assuring quality control include development of consultant scope of work, laboratory RFPs, consultant selection, contract management, stakeholder communication, and associated activities.

Task 3 – Public Outreach

- 3.1 Public Meetings – There will be two public meetings. The first will be at the beginning of the project to explain the project goals and objectives. The second meeting will be after the project is complete to present the results.
- 3.2 Sample Collection Outreach – Selected property owners will be contacted and invited to participate in the study. Property owners will be selected based on well construction, aquifer that the well is completed in, and spatial location.
- 3.3 Historical Outreach – during and following the initial meetings we expect to hear from residence about past land uses, such as pre-landfill dump sites or past industrial uses of properties. Since past land uses may be sources of PFAS, locations will be identified with the community to run commercial environmental reviews (e.g. EDR studies).
- 3.4 Communication of Results – Results will be communicated to the property owners and could include in person meetings to discuss the implications of the results
- 3.5 Technical Advisory Group – SRHD will convene an advisory group to guide groundwater sampling activities, PFAS Fingerprinting, modeling, and other technical aspects of the project. This group will provide review of draft technical documents including QAPPs, analytical result reports, modeling reports, etc. There is currently a significant ongoing effort within the FAFB study area. This group will provide a venue for project coordination and collaboration.

Task 4 – Groundwater Sampling

- 4.1 QAPP Development – A quality assurance project plan (QAPP) will be developed in accordance with Ecology guidelines, including the sampling and analysis plan, analytical methods, quality assurance goals, and data management procedures.
- 4.2 Groundwater sampling
 - 4.2.1 Designated Locations – Sampling will be conducted at 10 locations (to be determined) including existing Spokane County monitoring wells, previously sampled locations, and springs that discharge from the West Plains Wanapum aquifer. Sampling will be conducted quarterly for one year.
 - 4.2.2 Property Owner Wells – Wells identified in Task 3.2 will be collected quarterly for one year.
 - 4.2.3 Property Owner Wells contingency – Additional wells may be added to the project dependent on property owner interest

Task 5 – Data Analysis & Reporting

- 5.1 Data validation – Upon receipt of laboratory results data validation will be conducted in accordance with the QAPP.
- 5.2 Data management – Data will be managed using appropriate database software such as Microsoft Excel and/or Access. Some property owners may wish to keep their results confidential. In these instances, the data will be utilized in all analysis, but specific address and point location data will not be made publicly available.
- 5.3 Data reporting – All sampling activities and results will be documented in a report which will include a description of sampling methods, problems encountered, analytical results, data validation methods and results, and data interpretation

Task 6 – PFAS Source Analysis and Historical Land Use Review

- 6.1 Statistical analysis will be utilized to associate the concentrations of individual compounds analyzed by EPA Method 537 in groundwater samples with various PFAS chemical mixture source profiles.
- 6.2 A historical review of land use will be conducted to determine associations between analytical results, source profiles, and potential sources.

Task 7 – Groundwater Modeling

- 7.1 Data Compilation and Project Database – Significant data has been collected in recent projects that will support model development. The projects include the following:
 - West Plains Hydrogeologic Framework and Conceptual Groundwater Flow Model
 - West Plains Hydrogeologic Database
 - West Plains Groundwater Elevation Monitoring and Mapping
 - West Plains Groundwater Recharge Assessment
 - WRIA 54 & 56 Groundwater Age Dating & Stable Isotopes
 - WRIA 54 Hydrogeologic Characterization & Monitoring Well Drilling
 - Subsurface Projection of the Columbia River Basalt Group & Paleodrainage Study
 - Delimiting Geologic Structures Affecting Water Movement of the CRBG West Plains Aquifer
 - West Plains Delineation of Aquifer Zones within Basalt Formations
 - Spokane County Water Use Inventory and Demand Forecast

After a comprehensive review of available data a project database including, but not limited to, the following will be developed:

- Climate and meteorological data
- Land use
- Soil types
- Topography
- Surface water hydrology
- Water use
 - Surface water withdrawals
 - Groundwater withdrawals
 - Return flows
- Geologic and hydrostratigraphic units
 - Occurrence
 - Lateral extent and thickness
 - Hydraulic properties
- Three dimensional hydrogeologic framework
- Groundwater flow system
 - Groundwater gradients and flow directions
 - Recharge and discharge
 - Boundary conditions
 - Surface water and groundwater interaction
 - Lateral and vertical continuity of groundwater flow
- Groundwater levels

- Horizontal and vertical continuity
- Long-term
- Water quality data
- Interannual
- Seasonal

7.2 Development of Three-Dimensional Geologic Model – The three dimensional hydrogeologic model developed as part of the Hydrogeologic Framework and Conceptual Groundwater Flow Model project will be improved upon to add the level of geologic detail necessary to accurately represent groundwater contaminant fate and transport.

7.3 Groundwater Flow and Contaminant Transport Modeling - An appropriate numerical model will be selected for this study in consultation with SRHD staff. The preferred choice is the U.S. Geological Survey finite-difference MODFLOW model coupled with the MT3D code for solute transport. The code is open-source and is available at no cost from the USGS. Open-source and proprietary graphical user interfaces are available.

Modelling will begin with a review of the water balance for the study area based on an analysis using climate, soil data, and baseflow data. Results of the three-dimensional geologic modelling will be used to create the layering needed for the numerical groundwater flow and transport model. The model will have sufficient vertical resolution to represent the variations in the thickness and continuity of the stratigraphic units and to represent the vertical movement of contaminants to depth as a result of recharge. The model will extend to natural hydrologic boundaries (e.g., the Spokane River and the larger streams). Grid spacing used in the contaminated area will be sufficient to reduce the effects of numerical dispersion.

Initial estimates of aquifer properties will be based on results of hydraulic testing reported in earlier investigations. These estimates will be refined during the process of model calibration. The transient flow model will be calibrated to match observed to measured groundwater levels and groundwater flow rates (estimated to be between 40 to 160 m/yr). The key test of the flow model calibration will be the ability to reproduce the observed groundwater levels and flow patterns.

Groundwater velocities derived from the steady-state flow model will be used in the contaminant transport analysis. The contaminant transport model will be calibrated to match measured concentrations gathered in Task 4 and 5. Flow model parameters (i.e. hydraulic conductivities, porosity, and recharge), dispersion coefficients, and source properties will be adjusted as needed to improve the match between observed and simulated concentrations.

Once the model is calibrated, it will be tested on a set of simulations designed to evaluate the probable evolution of the PFAS plume from the present day forward; and evaluate possible source areas for PFAS in groundwater. The model will be used to simulate changes in concentrations of miscible contaminants in groundwater considering advection, dispersion, diffusion, and some basic chemical reactions, with various types of external sources. The chemical reactions considered will include adsorption and first-order irreversible kinetic reactions.

7.4 Model Report Preparation – A comprehensive model construction and results report will be prepared. The report will detail study objectives, construction of the groundwater flow and contaminant fate and transport model, model calibration and limitations, and results from modeling simulations. Report preparation will include a draft report, comment period, response to comments and a final report.

Proposed Project Schedule

Task	FY 2021				FY 2022			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
1 – Project Administration								
2 – Project Management								
2.1 Consultant Selection and Contracting								
2.2 Analytical Laboratory RFP								
3 – Public Outreach								
3.1 – Public Meetings								
3.2 – Sample Collection Outreach								
3.3 – Communication of Results								
4 – Groundwater Sampling								
4.1 QAPP								
4.2 Groundwater Sampling								
5 – Data Analysis and Reporting								
5.1 – Data Validation								
5.2 – Data Management								
5.3 – Data Reporting								
6 – Source Analysis								
7 – Groundwater Modeling								

Proposed Project Budget

Task	SRHD Salaries & Benefits, Overhead	Partner Agency Salaries and Benefits	Consultants	Analytical and other sampling expenses
1 - Project Administration (including overhead)	\$20,000			
2 - Project Management	\$8,000			
3 - Public Outreach	\$10,000	\$10,000		
4 - Groundwater Sampling	\$20,000	\$5,000		\$ 50,000
Sampling Contingency	\$5,000			\$20,000
5 - Data Analysis and Reporting	\$22,000	\$5,000		
6 - Source Analysis	\$5,000	\$10,000	\$20,000	
7 - Groundwater Modeling	\$10,000	\$5,000	\$225,000	
TOTAL	\$100,000	\$35,000	\$245,000	\$ 70,000
			TOTAL	\$ 450,000

Exhibit 5

Chase, Kristine A.

From: Lindsay, Robert <RLindsay@spokanecounty.org>
Sent: Friday, March 20, 2020 1:56 PM
To: Chad Pritchard; Mike LaScuola
Cc: Hermanson, Mike
Subject: RE: FW: Thank you! Your 2021-23 grant & loan application was successfully submitted to Ecology

Thanks, Mike and Chad.

We're happy to sit down to discuss the intent.

Perhaps after our elected officials and the airport director are sufficiently informed and aware of the work, there will be agreement and opportunity for County Water Resources to participate.

Long term, it may be appropriate for the regional health authority to lead this, anyway.

For now, personalities are in play and I'm not sure what's going to happen...funding is a long way off.

Thanks,

Rob Lindsay

Water Programs Manager

Spokane County - Environmental Services

509-477-7576



From: Chad Pritchard [mailto:chadpritchard@gmail.com]
Sent: Friday, March 20, 2020 11:17 AM
To: Mike LaScuola <mlascuola@srhd.org>
Cc: Hermanson, Mike <MHERMANSON@spokanecounty.org>; Lindsay, Robert <RLindsay@spokanecounty.org>
Subject: Re: FW: Thank you! Your 2021-23 grant & loan application was successfully submitted to Ecology

Grazie Mike,

You are a gentleman and a scholar. Thank you for doing this. If Water Resources can do the work *when* funded in Fall 2021 that is great, I am happy to help in any way. If the county still doesn't want to be a part then EWU can do the 'science' work, working with you and Mike Hermanson as much as possible, (i.e. historical review, helping with community meeting, sampling, working with EarthFX, and/or Rutgers). Then we can all get together well after social 'closing' has commenced to write up a report and hopefully a paper:) Hopefully a couple of papers when we get the EPA grant too:)

Going to wash my hands right now, thinking about the CDC Italian grandma skit:) Doh, I just touched my face again...darn beard.

Exhibit 6

Chase, Kristine A.

From: Lindsay, Robert <RLindsay@spokanecounty.org>
Sent: Wednesday, June 16, 2021 5:25 PM
To: Hermanson, Mike
Subject: RE: Thank you! Your 2021-23 grant & loan application was successfully submitted to Ecology

Spoke with Al. He's informed of the situation now. Says he'll touch bases with Larry. Also said he wouldn't have a problem with us accepting the grant. He also instructed me to talk with Mary Kuney since she's the Health Board chair.

He also mentioned Airway Heights water and other west plains issues...I have some questions for you. Talk tomorrow.
Rob

From: Hermanson, Mike <MHERMANSON@spokanecounty.org>
Sent: Tuesday, June 15, 2021 4:04 PM
To: Lindsay, Robert <RLindsay@spokanecounty.org>
Subject: FW: Thank you! Your 2021-23 grant & loan application was successfully submitted to Ecology

Mike Hermanson
Water Resources Manager
Spokane County Environmental Services
509.477.7578

From: Mike LaScuola [<mailto:mlascuola@srhd.org>]
Sent: Friday, August 21, 2020 9:57 AM
To: Hermanson, Mike <MHERMANSON@spokanecounty.org>
Subject: RE: Thank you! Your 2021-23 grant & loan application was successfully submitted to Ecology

Here you go Mike.

Let me know if you need anything else
Stay Well

Michael F. LaScuola REHS/RS | Technical Advisor Environmental Resources | Environmental Public Health
509-324-1574 | 509-324-3603 fax | mlascuola@srhd.org
Spokane Regional Health District | www.srhd.org
1101 W. College Ave. Spokane, WA 99201

Always working for a safer and healthier community



Always working for a safer and healthier community

Exhibit 7

Chase, Kristine A.

From: Lindsay, Robert <RLindsay@spokanecounty.org>
Sent: Thursday, June 17, 2021 11:20 AM
To: Brown, James V.
Cc: Cooke, Kevin
Subject: 130 pm call on June 21

Commissioner,

Last year the SRHD applied for a state grant to conduct a regional ground water study on the west plains to investigate sources and extent of PFAS. I'm aware the grant was approved. It may be upcoming on an agenda for Health Board approval, I'm not sure their timing. County Water Resources has been asked by SRHD staff to participate given our technical expertise and familiarity. This has some history and I'm seeking a few minutes with you to provide background information. I've let Commissioner French know as well.

Rob Lindsay - Water Programs Manager
Spokane County Environmental Services
509.477.7576 rlindsay@spokanecounty.org

Environmental Services: Keeping your Water Clean and the Environment Green!

Exhibit 8

Making sure we talk about this. Thanks.

From: Lindsay, Robert <RLindsay@spokanecounty.org>

Sent: Thursday, July 15, 2021 4:25 PM

To: French, Al <AFRENCH@spokanecounty.org>; Kunej, Mary <MKUNEY@spokanecounty.org>

Cc: Kerns, Josh <JKERNS@spokanecounty.org>; Valencia, Ron A. <RVALENCIA@spokanecounty.org>; Corkins, Karen <KCORKINS@spokanecounty.org>; Brown, James V. <JVBROWN@spokanecounty.org>; Cooke, Kevin <KCooke@spokanecounty.org>; Hermanson, Mike <MHERMANSON@spokanecounty.org>

Subject: FW: Your Area-wide Groundwater Investigation Grant: West Plains PFAS Groundwater Transport & Fate Study

Commissioners French and Kunej,

For your information. Please find attached a letter from Washington Dept. of Ecology to the SRHD, providing funds for a regional study of PFAS in groundwater on the West Plains. This is the study I mentioned to you recently. SRHD has requested assistance from the County's Environmental Services / Water Resources group for technical support. We have the resources and are prepared to offer that support.

I anticipate this grant will come to the SRHD Board for approval soon. Please let me know if you have any questions or concerns.

Thank you,

Rob Lindsay - Water Programs Manager
Spokane County Environmental Services
509.477.7576 rlindsay@spokanecounty.org

From: Gordon, Lyndsay (ECY) <LGOR461@ECY.WA.GOV>

Sent: Thursday, July 15, 2021 2:54 PM

To: Mike LaScuola <mlascuola@srhd.org>

Cc: Mike LaScuola <mlascuola@srhd.org>; Ray Byrne <rbyrne@srhd.org>; Trujillo, Shanyese (ECY) <STRU461@ECY.WA.GOV>; Falconer, Kathy (ECY) <kfal461@ECY.WA.GOV>; Justice, Tami (ECY) <tday461@ECY.WA.GOV>

Subject: Your Area-wide Groundwater Investigation Grant: West Plains PFAS Groundwater Transport & Fate Study

Dear Lisa,

Please find your attached funding notification for the Area-wide Groundwater Investigation Grant you submitted entitled West Plains PFAS Groundwater Transport & Fate Study.

Your Ecology Grant Manager will contact you to review your grant application and begin writing your grant in the coming weeks. If you have any questions, please contact your regional section manager.

Best Regards,

Lyndsay Gordon

Budget Analyst

Toxics Cleanup Program | [Department of Ecology](#)

Exhibit 9

Environmental Services: Keeping your Water Clean and the Environment Green!

From: Cooke, Kevin <KCooke@spokanecounty.org>
Sent: Wednesday, August 11, 2021 10:43 AM
To: Lindsay, Robert <RLindsay@spokanecounty.org>; Hermanson, Mike <MHHERMANSON@spokanecounty.org>
Subject: RE: West Plains PFAS study grant

I may be over-complicating this...but I want us to avoid procedural problems. Won't this grant need to be reviewed and "accepted" by the SRHD Board as an initial step, before the grant would be transferrable to Spokane County as a second step?

Thanks,

*Kevin R. Cooke, P.E.
Environmental Services Director
477-7286*

From: Lindsay, Robert
Sent: Wednesday, August 11, 2021 9:34 AM
To: Hermanson, Mike <MHHERMANSON@spokanecounty.org>; Cooke, Kevin <KCooke@spokanecounty.org>
Subject: RE: West Plains PFAS study grant

Thanks Mike.

I'm in favor of Spokane County Env. Services administering the grant.
I agree contacting Scott is best next step. He's aware of this and can mention this to the BOCC and inquire if they want a briefing. I communicated with Al and Mary about this a few weeks ago, it shouldn't be a surprise.
It's a good project.

Thanks,
Rob

From: Hermanson, Mike <MHHERMANSON@spokanecounty.org>
Sent: Tuesday, August 10, 2021 5:13 PM
To: Lindsay, Robert <RLindsay@spokanecounty.org>; Cooke, Kevin <KCooke@spokanecounty.org>
Subject: FW: West Plains PFAS study grant

Rob and Kevin,

Ecology is ok with moving the West Plains PFAS study grant to our group (see below). I think this is the best approach since the work we will be doing comprises a majority of the funding and it fits in with the other Ecology grants we are administering. One approach to accomplishing this would be to just go through the regular grant process in which I would complete the grant review form for approval and signature by Scott Simmons, and then once we have a grant agreement it would go to the BOCC on a consent agenda just like other grants. I image Scott could provide some insight on what the best approach would be.

Thanks,

Mike Hermanson
Water Resources Manager

From: Furmall, Ali (ECY) [<mailto:afur461@ECY.WA.GOV>]

Sent: Tuesday, August 10, 2021 3:34 PM

To: mlascuola@srhd.org

Cc: Hermanson, Mike <MHERMANSON@spokanecounty.org>; Trujillo, Shanyese (ECY) <STRU461@ECY.WA.GOV>

Subject: West Plains PFAS study grant

Mike,

My grant manager let me know that we can change the grantee entity for the PFAS study. We will just need SRHD to email us confirming you would like the grant moved to Spokane County Water Resources. And an email from Spokane County Water Resources acknowledging they would like the grant.

Once we have the email from both entities, our grant manager will unfund the application in EAGL and then create a new application for the project under the appropriate entity. Please let me know if you have any questions.

Thanks,

Ali

Ali Furmall, LG, LHG

(she / her)

Small & Rural Communities Brownfields Specialist

Toxics Cleanup Program

WA Department of Ecology

ali.furmall@ecy.wa.gov

Office: (509) 329-3436

Cell: (509) 655-0538

Ecology.wa.gov/brownfields

Exhibit 10

Chase, Kristine A.

From: Lindsay, Robert <RLindsay@spokanecounty.org>
Sent: Wednesday, August 18, 2021 8:14 AM
To: Hermanson, Mike; Cooke, Kevin
Cc: Simmons, Scott
Subject: RE: PFAS article in Spokesman

Im a little miffed LaScuola would say that to the paper before we had a chance to discuss with our commissioners!

From: Hermanson, Mike <MHERMANSON@spokanecounty.org>
Sent: Wednesday, August 18, 2021 9:12 AM
To: Cooke, Kevin <KCooke@spokanecounty.org>; Lindsay, Robert <RLindsay@spokanecounty.org>
Subject: PFAS article in Spokesman

Rob and Kevin,

Wanted to give you a heads up that there is an article about the upcoming private well PFAS study from Indiana University in the Spokesman and towards the end of the article is the following:

LaScuola said the Indiana University study was just the first in planned work to determine where the chemicals are present and their effects on human health. Another study to be conducted by Spokane County Water Resources will follow, with quarterly tests of some private wells to determine how long the chemicals remain in groundwater and their concentrations, he said.

I was not aware that the proposed study would be in an article.

Thanks,

Mike Hermanson
Water Resources Manager
Spokane County Environmental Services
509.477.7578

Exhibit 11

Chase, Kristine A.

From: Lindsay, Robert <RLindsay@spokanecounty.org>
Sent: Thursday, September 2, 2021 1:51 PM
To: Simmons, Scott; Cooke, Kevin
Cc: Hermanson, Mike
Subject: FW: Your Area-wide Groundwater Investigation Grant: West Plains PFAS Groundwater Transport & Fate Study
Attachments: AreaWide_Funded.docx.pdf

Scott/Kevin,

Am following up on this grant extended to SRHD from Ecology (offer letter attached). I spoke with Commissioner French about this project in July and also mentioned this to Commissioner Kuney, noting that we are interested and prepared to conduct the technical sections of the project.

Since then, SRHD has notified us they don't have the staff/resources to manage the grant but are available to conduct the public participation and outreach portions. They have requested we manage the grant. Spokane County Environmental Services / Water Resources have staff and resources available to manage the grant, and to conduct the technical portions of the work.

Ecology is aware of the SRHD's limitations and are amenable to the County accepting the grant. They are awaiting our response.

I am aware this grant will need BOCC authorization. Please advise if a briefing is requested before bringing this to the Board.

Thank you,

Rob Lindsay - Water Programs Manager
Spokane County Environmental Services
509.477.7576 rlindsay@spokanecounty.org

Environmental Services: Keeping your Water Clean and the Environment Green!

From: Lindsay, Robert
Sent: Thursday, July 15, 2021 4:25 PM
To: French, Al <AFRENCH@spokanecounty.org>; Kuney, Mary <MKUNEY@spokanecounty.org>
Cc: Kerns, Josh <JKERNS@spokanecounty.org>; Valencia,
From: Gordon, Lyndsay (ECY) <LGOR461@ECY.WA.GOV>
Sent: Thursday, July 15, 2021 2:54 PM
To: Mike LaScuola <mlascuola@srhd.org>
Cc: Mike LaScuola <mlascuola@srhd.org>; Ray Byrne <rbyrne@srhd.org>; Trujillo, Shanyese (ECY) <STRU461@ECY.WA.GOV>; Falconer, Kathy (ECY) <kfal461@ECY.WA.GOV>; Justice, Tami (ECY) <tday461@ECY.WA.GOV>
Subject: Your Area-wide Groundwater Investigation Grant: West Plains PFAS Groundwater Transport & Fate Study

Dear Lisa,

Exhibit 12

Chase, Kristine A.

From: Simmons, Scott <SSIMMONS@SpokaneCounty.org>
Sent: Friday, September 3, 2021 9:55 AM
To: Lindsay, Robert; Cooke, Kevin
Cc: Hermanson, Mike
Subject: RE: Your Area-wide Groundwater Investigation Grant: West Plains PFAS Groundwater Transport & Fate Study

Thanks for the reminder Rob....still haven't had a chance to connect with Al. Will let you know when that occurs, hopefully soon.

Scott

From: Lindsay, Robert <RLindsay@spokanecounty.org>
Sent: Thursday, September 2, 2021 1:51 PM
To: Simmons, Scott <SSIMMONS@SpokaneCounty.org>; Cooke, Kevin <KCooke@spokanecounty.org>
Cc: Hermanson, Mike <MHERMANSON@spokanecounty.org>
Subject: FW: Your Area-wide Groundwater Investigation Grant: West Plains PFAS Groundwater Transport & Fate Study

Scott/Kevin,

Am following up on this grant extended to SRHD from Ecology (offer letter attached). I spoke with Commissioner French about this project in July and also mentioned this to Commissioner Kuney, noting that we are interested and prepared to conduct the technical sections of the project. Since then, SRHD has notified us they don't have the staff/resources to manage the grant but are available to conduct the public participation and outreach portions. They have requested we manage the grant. Spokane County Environmental Services / Water Resources have staff and resources available to manage the grant, and to conduct the technical portions of the work. Ecology is aware of the SRHD's limitations and are amenable to the County accepting the grant. They are awaiting our response. I am aware this grant will need BOCC authorization. Please advise if a briefing is requested before bringing this to the Board.

Thank you,

Rob Lindsay - Water Programs Manager
Spokane County Environmental Services
509.477.7576 rlindsay@spokanecounty.org

Environmental Services: Keeping your Water Clean and the Environment Green!

From: Lindsay, Robert
Sent: Thursday, July 15, 2021 4:25 PM

Exhibit 13

Chase, Kristine A.

From: Lindsay, Robert <RLindsay@spokanecounty.org>
Sent: Thursday, September 2, 2021 1:51 PM
To: Simmons, Scott; Cooke, Kevin
Cc: Hermanson, Mike
Subject: FW: Your Area-wide Groundwater Investigation Grant: West Plains PFAS Groundwater Transport & Fate Study
Attachments: AreaWide_Funded.docx.pdf

Scott/Kevin,

Am following up on this grant extended to SRHD from Ecology (offer letter attached). I spoke with Commissioner French about this project in July and also mentioned this to Commissioner Kuney, noting that we are interested and prepared to conduct the technical sections of the project. Since then, SRHD has notified us they don't have the staff/resources to manage the grant but are available to conduct the public participation and outreach portions. They have requested we manage the grant. Spokane County Environmental Services / Water Resources have staff and resources available to manage the grant, and to conduct the technical portions of the work.

Ecology is aware of the SRHD's limitations and are amenable to the County accepting the grant. They are awaiting our response.

I am aware this grant will need BOCC authorization. Please advise if a briefing is requested before bringing this to the Board.

Thank you,

Rob Lindsay - Water Programs Manager
Spokane County Environmental Services
509.477.7576 rlindsay@spokanecounty.org

Environmental Services: Keeping your Water Clean and the Environment Green!

From: Lindsay, Robert
Sent: Thursday, July 15, 2021 4:25 PM
To: French, Al <AFRENCH@spokanecounty.org>; Kuney, Mary <MKUNEY@spokanecounty.org>
Cc: Kerns, Josh <JKERNS@spokanecounty.org>; Valencia,
From: Gordon, Lyndsay (ECY) <LGOR461@ECY.WA.GOV>
Sent: Thursday, July 15, 2021 2:54 PM
To: Mike LaScuola <mlascuola@srhd.org>
Cc: Mike LaScuola <mlascuola@srhd.org>; Ray Byrne <rbyrne@srhd.org>; Trujillo, Shanyese (ECY) <STRU461@ECY.WA.GOV>; Falconer, Kathy (ECY) <kfal461@ECY.WA.GOV>; Justice, Tami (ECY) <tday461@ECY.WA.GOV>
Subject: Your Area-wide Groundwater Investigation Grant: West Plains PFAS Groundwater Transport & Fate Study

Dear Lisa,

Please find your attached funding notification for the Area-wide Groundwater Investigation Grant you submitted entitled West Plains PFAS Groundwater Transport & Fate Study.

Your Ecology Grant Manager will contact you to review your grant application and begin writing your grant in the coming weeks. If you have any questions, please contact your regional section manager.

Best Regards,

Lyndsay Gordon

Budget Analyst

Toxics Cleanup Program | [Department of Ecology](#)

PH: 360.810.1636 | [P.O. Box 47600 Olympia, WA 98504](#)

lgor461@ecy.wa.gov | [300 Desmond Dr, Lacey, WA 98503](#)

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STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47600 • Olympia, WA 98504-7600 • 360-407-6000
711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341

July 15, 2021

Lisa Maeder
Spokane Regional Health District
1101 W. College Ave, Room 402
Spokane, WA 99201

Re: Area-wide Groundwater Investigation Grant is funded for the following project:

- **Site Name:** West Plains PFAS Groundwater Transport & Fate Study
- **Site Address:** 1101 W College Ave, Spokane, WA 99201
- **Grant Number:** TCPRA-2123-SRHDEP-00048
- **Amount:** \$450,000

Dear Lisa Maeder:

We are very pleased to relay that your Area-wide Groundwater Investigation Grant for the project requested during the solicitation for the 2021–23 biennium has been funded. The Department of Ecology’s Toxics Cleanup Program receives funding from the Washington State Legislature making it possible for our program to fund your project.

Thank you for your initiative to clean up contamination in your community. We look forward to assisting you in this critical effort, and are committed to working with you to achieve the site’s prompt and effective cleanup.

Your Ecology Grant Manager (below) will contact you to review your grant application and begin writing your grant. If you have any questions, please contact your regional section manager (below).

<p>Shanyese Trujillo Remedial Action Grant Manager Shanyese.Trujillo@ecy.wa.gov</p>	<p>Kathy Falconer Eastern Section Manager kfal461@ecy.wa.gov</p>
--	---

Thank you again for taking this crucial step that will help protect human health and Washington’s environment.

Regards,


DocuSigned by:

 7/15/2021
 CE51DD3B0530427...
 Brock Milliern, Program Manager
 Toxics Cleanup Program

Exhibit 14

Chase, Kristine A.

From: Simmons, Scott <SSIMMONS@SpokaneCounty.org>
Sent: Wednesday, September 8, 2021 5:11 PM
To: Lindsay, Robert; Cooke, Kevin
Cc: Hermanson, Mike
Subject: RE: Your Area-wide Groundwater Investigation Grant: West Plains PFAS Groundwater Transport & Fate Study

I had a chance to discuss with Al yesterday. He indicated he would like to discuss further with Airport prior to our committing to get involved. I'll let you know more after I hear back from Al.

Scott

From: Lindsay, Robert <RLindsay@spokanecounty.org>
Sent: Thursday, September 2, 2021 1:51 PM
To: Simmons, Scott <SSIMMONS@SpokaneCounty.org>; Cooke, Kevin <KCooke@spokanecounty.org>
Cc: Hermanson, Mike <MHERMANSON@spokanecounty.org>
Subject: FW: Your Area-wide Groundwater Investigation Grant: West Plains PFAS Groundwater Transport & Fate Study

Scott/Kevin,

Am following up on this grant extended to SRHD from Ecology (offer letter attached). I spoke with Commissioner French about this project in July and also mentioned this to Commissioner Kuney, noting that we are interested and prepared to conduct the technical sections of the project.

Since then, SRHD has notified us they don't have the staff/resources to manage the grant but are available to conduct the public participation and outreach portions. They have requested we manage the grant. Spokane County Environmental Services / Water Resources have staff and resources available to manage the grant, and to conduct the technical portions of the work.

Ecology is aware of the SRHD's limitations and are amenable to the County accepting the grant. They are awaiting our response.

I am aware this grant will need BOCC authorization. Please advise if a briefing is requested before bringing this to the Board.

Thank you,

Rob Lindsay - Water Programs Manager
Spokane County Environmental Services
509.477.7576 rlindsay@spokanecounty.org

Environmental Services: Keeping your Water Clean and the Environment Green!

From: Lindsay, Robert
Sent: Thursday, July 15, 2021 4:25 PM

Exhibit 15

Chase, Kristine A.

From: Hermanson, Mike <MHERMANSON@spokanecounty.org>
Sent: Monday, September 20, 2021 1:33 PM
To: Furmall, Ali (ECY)
Cc: Trujillo, Shanyese (ECY); Mike LaScuola; Cooke, Kevin; Lindsay,Robert; Simmons, Scott
Subject: RE: West Plains PFAS study check in (TCPRA-2123-SRHDEP-00048)

Ali,

I am still awaiting direction on whether our program is in a position to accept the grant funding. I expect to hear something soon, and will be in touch once I do.

Thanks,

Mike Hermanson
Water Resources Manager
Spokane County Environmental Services
509.477.7578

From: Furmall, Ali (ECY) [mailto:afur461@ECY.WA.GOV]
Sent: Thursday, September 16, 2021 1:15 PM
To: Mike LaScuola <mlascuola@srhd.org>; Hermanson, Mike <MHERMANSON@spokanecounty.org>
Cc: Trujillo, Shanyese (ECY) <STRU461@ECY.WA.GOV>
Subject: West Plains PFAS study check in (TCPRA-2123-SRHDEP-00048)

Good afternoon,

I'm just following up on our conversation last month about the area-wide groundwater investigation grant for the West Plains PFAS study. In order to transfer the grant from SRHD to Spokane County, we will need email confirmation from both entities. Let me know if you have any questions.

Thank you,
Ali

Ali Furmall, LG, LHG
(she / her)
Small & Rural Communities Brownfields Specialist
Toxics Cleanup Program
WA Department of Ecology
ali.furmall@ecy.wa.gov
Office: (509) 329-3436
Cell: (509) 655-0538
[Ecology.wa.gov/brownfields](https://ecology.wa.gov/brownfields)

Exhibit 16

Chase, Kristine A.

From: Lindsay, Robert <RLindsay@spokanecounty.org>
Sent: Wednesday, October 6, 2021 12:21 PM
To: Simmons, Scott
Cc: Hermanson, Mike; Cooke, Kevin
Subject: Regional gw study on West Plains
Attachments: West Plains PFAS grant final.docx

Hi Scott,

Thank you for your time yesterday to discuss the subject project. I attach the scope for the project for your information. The grant-funded project is for \$450K; the majority of the funding would go to the technical part of the work, including PFAS fate and transport modeling.

A few points:

1. Concurrent with this proposed project, a similar project was proposed by EWU. That proposal was not funded. I bring this to your attention because that may come up in discussions with the Board and/or SIA.
2. You inquired the scope and purpose of the work. This text is taken directly from the proposal submitted by SRHD:
 - a. The attached proposed project will include public outreach, PFAS groundwater sampling and analysis, PFAS source identification analysis, and groundwater flow and contaminant fate and transport modeling.
 - b. This project will help the population, environment, and commercial entities of the West Plains by building a transport model, delineating PFAS contamination, and using unique PFAS distribution at different locations to identify PFAS sources. This project is will also be in collaboration with Eastern Washington University (EWU), with consultative assistance by Washington State Department of Health (WA DOH), Agency for Toxic Substance Disease Registry (ATSDR), and Spokane County Water Resources, which will add to the collaborative knowledge to better understand the influences of PFAS on communities and the environment.
3. Since 2013, there have been at least 70 new rural drinking water wells drilled in the proposed study area. Figure 1 on Page 3 of the attached document shows the extent of the study area, wells in the study area, and the boundary of Fairchild's study area.
4. Currently, there is an ongoing study with University of Indiana to collect samples from private residences on the West Plains. I'm not sure the current status of that work, but there was an article in the S-R paper recently where SRHD staff spoke to the sampling efforts by UI and also mentioned this upcoming project.

As I noted, I met with Commissioner French about this last July when the SRHD was awarded the grant. At his request I shared this with SRHD Board Pres Kuney, who shared it with Administrator Ms. Clark. It is my understanding that SRHD lacks the staff and resources to administer the grant, thus their interest to have Spokane County Environmental Services / Water Resources administer. We have the staff and resources to administer this grant. Personally, I am comfortable with either organization administering the grant, and recognize the limitations on the SRHD.

Let us know if you need additional information. Mike and I are available to meet to discuss this with the Board, SRHD, etc., if there is interest in performing the work.

Thank you,

Rob Lindsay - Water Programs Manager

Spokane County Environmental Services
509.477.7576 rlindsay@spokanecounty.org

From: Hermanson, Mike <MHERMANSON@spokanecounty.org>
Sent: Wednesday, October 6, 2021 11:15 AM
To: Lindsay, Robert <RLindsay@spokanecounty.org>
Subject: FW: Thank you! Your 2021-23 grant & loan application was successfully submitted to Ecology

Mike Hermanson
Water Resources Manager
Spokane County Environmental Services
509.477.7578

From: Mike LaScuola [<mailto:mlascuola@srhd.org>]
Sent: Friday, August 21, 2020 9:57 AM
To: Hermanson, Mike <MHERMANSON@spokanecounty.org>
Subject: RE: Thank you! Your 2021-23 grant & loan application was successfully submitted to Ecology

Here you go Mike.

Let me know if you need anything else
Stay Well

Michael F. LaScuola REHS/RS | Technical Advisor Environmental Resources | Environmental Public Health
509-324-1574 | 509-324-3603 fax | mlascuola@srhd.org
Spokane Regional Health District | www.srhd.org
1101 W. College Ave. Spokane, WA 99201

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Always working for a safer and healthier community



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Exhibit 17

Larry Krauter

From: French, Al <afrench@spokanecounty.org>
Sent: Thursday, October 12, 2023 6:48 PM
To: Kune, Mary; Kerns, Josh; Waldref, Amber; Jordan, Chris; Anderson, Chris; Simmons, Scott
Cc: Larry Krauter; Lyfar, Viktoria
Subject: FW: Spokane Airports Statement
Attachments: Spokane_AirportsPFASStatement101223.pdf

Good Evening

As the BOCC representative to the SIA Board I am forwarding to you SIA's response to the inquiry that we received earlier this week from the Seattle Times regarding the presence of PFAS on the West Plains. As you will see in the response, this issue is much greater than just Spokane or the West Plains but has state and national implications. SIA is committed to addressing this issue using reliable data and the best available science to chart a path forward. SIA has also retained a national environmental attorney that is working with many airports across the country to assist in addressing this issue.

SIA and its leadership is trying to work collaboratively with Ecology and other stakeholders to address this issue.

These documents are in the public domain but any conversation about them or their content should be done in Executive Session as there is the potential for litigation. Mr. Krauter and the SIA attorney on this matter are available to participate in an Executive Session to update and answer any questions on the morning of October 24th so I am requesting that we add that to our agenda for that morning and coordinate with Mr. Krauter on the specific time.

If you have any questions before that time I am happy to address them individually or in Executive Session.

Thank you

Al French

From: Larry Krauter <lkrauter@spokaneairports.net>
Sent: Thursday, October 12, 2023 5:10 PM
To: French, Al <afrench@spokanecounty.org>
Subject: Spokane Airports Statement

Good evening Al,

Attached please find the statement that we have provided to the Seattle Times in response to an inquiry they have made regarding PFAS.

Thanks,

Larry

Lawrence J. Krauter, A.A.E., AICP, FRAeS
Chief Executive Officer
Spokane International Airport, Felts Field & Airport Business Park

Exhibit 18



Spokane International Airport
BUSINESS PARK AND FELTS FIELD

9000 West Airport Drive, Suite 204
Spokane, Washington 99224
(509) 455-6455
spokaneairports.net

October 12, 2023

Statement in response to inquiry on October 9, 2023, from the Seattle Times:

As a transportation hub for the Inland Northwest and a leading driver of economic growth, Spokane International Airport takes pride in its leadership role across all elements of our operations, with the safety of passengers, employees, and the greater Spokane community of paramount importance. This includes a commitment to environmental stewardship.

Because of this focus, in 2017 we initiated a voluntary assessment to determine the possible presence of a group of chemicals known as PFAS (Per- and Polyfluoroalkyl substances) in the groundwater on Airport property. This began after it was discovered that nearby Fairchild Air Force Base had contributed to elevated levels of PFAS in the drinking water intake wells in the City of Airway Heights. The information from this effort was gathered in order to be used for future decision making regarding the disclosure of groundwater contamination by the Air Force.

A proactive investigation was also important because while the presence and persistence of these man-made chemicals are found in many everyday materials such as furniture, mattresses, non-stick cookware and more, PFAS has been found in federally mandated firefighting foam used since the 1970s by all U.S. commercial and military airports, including our Airport. Since this time, our responsibilities and mandatory obligations to the Federal Aviation Administration (FAA) require the use of PFAS containing Aqueous Film-Forming Foam (AFFF). In addition, Washington State law governing the Airport mandates that we operate subject to federal laws, rules and regulations.

It is important to note that the Airport was originally owned by the federal government as a Department of Defense (DOD) Airport during WWII, then known



as Geiger Field, from which the three-letter identifier and GEG was derived. During this period, several locations at the Airport were used as a military training site for firefighting operations. From 1984 through 2003, the DOD tested, reported and mitigated contamination at their sites, however these efforts did not include testing for PFAS.

Today, the sources and impacts of PFAS are a challenging and complex issue and part of an evolving national conversation given their reach and scope. In fact, Washington's Attorney General filed suit on August 15, 2023, against 20 manufacturers of PFAS-related products, including AFFF.

Although we have stated our concerns regarding the Department of Ecology's initial approach to this matter (see attached letter), we are committed to working collaboratively with them, the FAA, other state and federal agencies and experts, and other stakeholders to more completely understand the complex issue of PFAS on the West Plains. Accordingly, we will continue investigating PFAS-related issues in a logical, data-driven manner.

Earlier this year, the FAA announced a transition plan to a fluorine-free firefighting foam and recently authorized its use. As a leader in the industry, the Airport has taken immediate steps to authorize the purchase of the new fluorine-free AFFF.

We remain committed to our mission as an economic development driver for the Inland Northwest and to addressing this issue while operating, improving and expanding Spokane International Airport for the benefit of our region.

Larry Krauter
Chief Executive Officer

Exhibit 19

Spokane International Airport
9000 W. Airport Dr., Ste. 204
Spokane, WA 99224
Ph: (509) 455-6444
Fax: (509) 624-6633
Email: publicrec@spokaneairports.net



Attachment A

Request for Inspection of/ or Copies of Public Records

Please type or print the following information:

Jeff DeBray
Name of Requester
1503 South Ash Street
Street Address
Spokane, WA 99203
City, State, Zip Code
jpdebray18@gmail.com
Email

4062200653
Phone Number
04/24/24
Date request submitted

Nature of Request:

Please be as specific as possible in defining the records that you wish to see. If you don't know the specific name of the records you desire, state your request in the form of a question. If you need assistance, a staff member will assist you in completing the form. If copies are requested, you will be required to pay 15¢ each for the copies prior to receipt thereof.

I am writing to request any records of communication between Airport Board Vice Chair Al French, Airport CEO Lawrence Krauter or between French and Spokane County that mentions the following language: "PFAS", "water", or " county commission" between January 2017 and April 24th, 2024.

I certify that any lists of individuals obtained through this request will not be used for commercial purposes in accordance with chapter 42.56 RCW.

Received and Acknowledged by Jeff DeBray

Date request received: _____

Request granted _____

Request denied _____

If denied, state reason:

Total copies made: _____

Amount received: _____

Received by: _____

Documents received/inspected by: _____

Date: _____



Earth & Water Law, LLC
1455 Pennsylvania Ave NW, Suite 400
Washington, DC 20004
(202) 280-6362
info@earthandwatergroup.com

Confidential Settlement Discussion Correspondence

August 7, 2023

Mr. Nicholas Acklam
Section Manager
Toxics Cleanup Program, Eastern Regional Office
Washington Department of Ecology
Email: Nicholas.acklam@ecy.wa.gov

RE: Spokane International Airport Initial Response to the “Early Notice of Release of Hazardous Substances and Preliminary Determination of Liability for Release”

Dear Mr. Acklam:

I am the special environmental counsel to the Spokane International Airport (SIA or Airport). SIA disputes that the Washington Department of Ecology (Ecology) can confirm that any release of hazardous substances, as set forth in your July 6, 2023 correspondence, can be proved based on the information that you set forth in that correspondence. As a result, SIA requests that you retract your July 6 correspondence and remove the March 30, 2023 “toxics” listing of the Airport on the State’s website and the Spokane International Airport PFAS site listing.¹ In the alternative, the Airport welcomes a meeting with you related to the U.S. Military’s and the Airport’s mandated use of aqueous film forming foam (AFFF).

As explained further below, the Airport asserts the following problems or limitations associated with your findings in your July 6 correspondence, including: the source of the information is not known or its reliability cannot be proven; a week prior to your finding SIA had submitted a request for public records pursuant to chapter 42.56 RCW for related information that will not be answered by Ecology until late August at the earliest; nobody from Ecology has ever contacted the Airport about any past information collection efforts or to confirm any information in Ecology’s possession; the data you relied upon are incomplete; and Ecology is not in a position to “confirm” anything without more effort than what has occurred to date.

¹ <https://apps.ecology.wa.gov/cleanupsearch/site/16774> ;
<https://apps.ecology.wa.gov/facilitysite/FacilitySite/FacilitySiteReport/6332493>

SIA holds an operating certificate issued by the Federal Aviation Administration as a Class I commercial service airport under 14 CFR Part 139. Under these regulations the federal government mandated that Part 139 airports across the country spray AFFF containing PFAS on the ground during training exercises, to calibrate their firefighting equipment, during FAA inspections, and obviously during emergencies. Neither the federal government nor the manufacturers ever warned the airport industry, let alone SIA, that performing those functions for the past 40+ years could possibly (but not in all cases) cause significant contamination risk to the environment, airport employees, and others. The same has been true for the U.S. Military, as has been demonstrated and proven at Fairchild Air Force Base, upgradient from SIA. The wide-spread usage and disposal of PFAS-containing apart from but nearby airports also complicates source identification.

Your July 6 correspondence does not mention the source of the information other than it was received through the Environmental Report Tracking System “complaint.” The website merely references a “third party” that obtained information through a public records request. You have not provided any foundation or information that would support the reliability of this third-party complaint or its completeness. In your correspondence, you identify three older (2017-2019) reports that contain some monitoring results for PFAS. The website indicates that Ecology conducted an initial investigation to confirm that SIA had released hazardous substances to the environment.

During that “investigation,” nobody from Ecology ever contacted the Airport to confirm any data, whether additional data existed, the purpose for the monitoring activities, or any relevant and important information that the Airport ought to be able to provide before Ecology arbitrarily lists the Airport on its website. Furthermore, the investigation report identifies no inspection was conducted (Attachment A). The “investigation” merely restates that monitoring was conducted that found PFAS. Whose PFAS? Ecology jumps to the conclusion that it was the Airport’s PFAS, despite the nearby location of Fairchild AFB, the military use of PFAS at or near the Airport, other known or suspected sources of PFAS immediately adjacent to the Airport, etc. That is not an “investigation” but rather an arbitrary and capricious conclusion without appropriate foundation or evidence.

As you know, Ecology operates under a “Quality Management Plan” related to data quality. The most recent plan is from 2020.² That plan states that:

The ultimate purpose of the Quality Management Plan is to ensure, to the extent possible, that data generated by Ecology *or submitted to Ecology* are of known quality and usable for intended purposes. To this end, the Ecology quality system touches many aspects of agency operations including:

- Project planning (QAPPs).
- Document development (SOPs and reports), document control, and document standardization.
- Internal laboratory operations.
- Laboratory accreditation.

² <https://apps.ecology.wa.gov/publications/documents/2003014.pdf>

- *Data management and independent data validation.*
- Field sampling and analytical procedures, field auditing, and field proficiency.
- Other activities as appropriate.

Ecology's "investigation" does not seem to have followed its Quality Management Plan principles. Further, in addition to the public records request that SIA submitted to Ecology before your letter was received, it has identified additional data that help to provide insight that should have been reviewed by Ecology during its "investigation" and before it "confirmed" that the Airport released hazardous substances. Once it receives responsive information from Ecology – currently estimated to be available perhaps by the end of this month – SIA would welcome a meeting with Ecology to discuss its PFAS data and how to move forward with Ecology in a collaborative approach, not unnecessary threats of enforcement and litigation. The Airport can explain the available data, the purpose for their collection, and what we believe the results tell us. The Airport is conducting additional activities to better understand the impacts that could have resulted from the federal government's (and State's) mandates related to AFFF activities. SIA believes that Ecology owes the Airport such an opportunity to meet before it is listed on Ecology's website or formally regulated in ways that are inconsistent with or counter to how commercial airports operate and provide critical public services.

In addition to Ecology deviating from its own prescribed process, it is important to point out further inconsistencies in which and how Ecology determined its findings:

The investigation report dated May 12, 2023, identifies that an "Early Notice Letter need(s) to be sent" (Attachment A). The first time the Airport heard that an investigation for PFAS was being conducted was reading it in the Spokesman Review on June 5, 2023 (Attachment B).

The second correspondence indicating "known PFAS contamination" on Airport property was through a land segregation (Business Park Binding Site Plan) review. A letter dated June 29, 2023 (Attachment C) was addressed to an Assistance Planner at the City of Spokane and highlighted a Toxics Cleanup Program. The letter contains multiple instances in which Ecology engages in pure speculation without any facts to support such actions. We believe that these reckless statements by Ecology have removed all economically beneficial use of this property and may constitute a taking of the subject property that the Airport was seeking to sell.

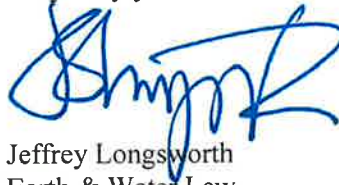
The third correspondence indicating "significant PFAS contamination" was through another land segregation (McFarlane Binding Site Plan) review. A letter dated July 6, 2023 (Attachment D) was address to the Director of Planning and Engineering at the Airport and states "If contamination is found on the subject parcel, current and future owners may be liable for remedial actions to address the associated contamination. Should field screening or sampling data indicate a release has occurred or is present at the subject parcel it must be reported to Ecology in accordance with WAC 173-340-300." There is absolutely no evidence that Ecology has from the Airport that its land is contaminated by PFAS at this location or even by what source such contamination could originate even if it is found to be present and this also constitutes a potential taking of another parcel of land that the Airport is actively trying to sell.

The Ecology's website identifies an individual page for the "Spokane International Airport PFAS" regarding "Groundwater Contamination Confirmed...". Under that web link, and as of August 7, 2023, Ecology has posted "relevant" technical reports associated with the Ecology's findings. One of the documents Ecology references is a report titled "Spokane International Airport PFAS – 2023 Land Treatment Site Management Plan (Attachment E). Please note that this is NOT the correct title to the report and is NOT associated to PFAS. Hopefully this was made in error and not a manipulation of a document by Ecology to fit its current predetermined and aggressively punitive narrative and approach regarding the Airport. The correct title of the report is "Spokane International Airport - 2023 Land Treatment Site Management" (Attachment F) and is associated to reporting required under the Ecology's Permit By Rule (Permit No. ST0045499) for spent aircraft deicing fluids collected from airlines and cargo operators when applied during freezing or near freezing conditions which is required by the Federal Aviation Administration.

In closing, the Airport takes its role in providing public services and its responsibilities to the local community very seriously. Unnecessary and unfounded negative actions against it can damage its reputation and community role as well as harm the Airport economically. Ecology's "investigation" and arbitrary conclusions and public statements and other public actions taken to date in this case also have negative impacts that could have been avoided and should be avoided from this point forward. The Airport would like to reverse that course and enter into a more collaborative relationship with Ecology that can serve both parties' interests and obligations. SIA respectfully requests that Ecology remove the SIA-related PFAS information from its website until the parties have had a chance to meet face-to-face as well as to refrain from making any further damaging public statements either to the media or as well as to other public and private parties engaged in the subdivision and sale of Airport property.

If you have any questions, please contact the undersigned.

Very truly yours,



Jeffrey Longworth
Earth & Water Law

Jeffrey.longworth@earthandwatergroup.com

(301) 807-9685

Attachments:

- A – Ecology Investigation Report, dated May 12, 2023
- B – Spokesman Review Newspaper Article, dated June 5, 2023
- C – Letter from Ecology to the City of Spokane, dated June 29, 2023
- D – Letter from Ecology to the Airport, dated July 6, 2023
- E – Ecology Website, as of August 7, 2023
- F – Spokane International Airport – 2023 Land Treatment Site Management Plan

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August 7, 2023
Confidential & Privileged

Cc: Jeremy Schmidt, Ecology, JESC461@ECY.WA.GOV
Ivy Anderson, Office of Attorney General, General-ivy.anderson@atg.wa.gov
Larry Krauter, SIA, lkrauter@spokaneairports.net
Brian Werst, SIA, bwerst@spokaneairports.net
Lyndon Smithson, City of Spokane, lsmithson@spokanecity.org
Chris Anderson, Spokane County, canderson@spokanecounty.org

Exhibit 20

AMENDED BYLAWS OF THE WEST PLAINS/AIRPORT AREA PUBLIC DEVELOPMENT AUTHORITY

ARTICLE 1. DEFINITIONS

1.1 Authority

“Authority” means the West Plains/Airport Area Public Development Authority organized pursuant to RCW 35.21.730 - .755 and RCW 35.21.757 - .759 as they currently exist and may be amended.

1.2 Electronic Transmission

“Electronic transmission” means an electronic communication that indirectly transfers a record in a tangible medium so that the record may be directly reproduced in a tangible medium and may be retained, retrieved, and reviewed by the sender and the recipient.

1.3 Written Notice

Any “written notice” may be given by electronic transmission.

ARTICLE 2. OFFICES

The registered office of the Authority in the state of Washington is _____ Spokane, WA 99201. The Authority may have such other offices within Spokane County as the Board of Directors may designate.

ARTICLE 3. BOARD OF DIRECTORS

3.1 Power

Management and control of all Authority affairs shall reside in the Board of Directors (Board).

3.2 Number and Qualification

There shall be seven voting directors of the Authority’s Board.

The Board shall be composed of five permanent Board members and two at-large Board members as follows:

- a. Permanent Board Members:

- i. One City Airport Board designated representative selected by the City,
- ii. One County Airport Board designated representative selected by the County,
- iii. One County Executive,
- iv. One Airport CEO,
- v. The City of Spokane City Administrator, and

b. At-large Business Representative:

- i. Two at-large business representatives who will be selected by a majority vote of the 5 permanent Board Members as described in the above sub-paragraphs 3.1).

The Permanent Authority Board members shall remain members of the Board during their term as designated by their capacity with either of the City, County or Airport. The at-large business representatives will serve 3 year (staggered) terms, or as otherwise designated by a majority of the Permanent Board Members.

3.4 Duties of a Director

Directors owe the Authority a number of duties. First, directors must act in good faith, meaning act with good intentions. Second, directors must act in the best interest of the Authority. Directors have a special fiduciary relationship with the Authority and have the duty to act for the benefit of the Authority, not for their own personal benefit. Third, directors must act with due care. As a fiduciary, the Board is entrusted with the Authority's money and must be careful with the use of those funds. Among other things, each director must evaluate existing programs to determine if they are run efficiently and examine financial statements to ensure the Authority has adequate funds to pay its debts and that those funds are being used to further the organization's goals and mission. Fourth, each director must act as an ordinarily prudent person would act. Directors are expected to use common sense and practical judgment, not necessarily be experts in every matter the Board considers. However, if a Board member has a particular expertise, then this person will be expected to utilize this greater knowledge and be held to this standard in her/his conduct.

3.5 Regular & Special Meetings

The Board shall meet as necessary, but not less than two meetings each year. Special meetings of the Board may be called as provided in the Bylaws and pursuant to state law. The Bylaws may provide that meetings shall be recorded and maintained by the Authority.

3.5.1 Open Public Meetings

All meetings of the Board shall be conducted consistent with the Open Public Meetings Act (OPMA), Chapter 42.30 RCW. notice of meetings shall be given in a manner consistent with the OPMA. Voting by proxy is not permitted. Participation by a board member by telephone or other electronic communication shall be permitted with prior notice given to the Chair.

3.5.2 Parliamentary Authority

The rules of Robert's Rules of Order (revised) shall govern the Authority in all cases to which they are applicable, where they are not inconsistent with the Charter or with the special rules of order of the Authority set forth in the Bylaws.

3.5.3 Minutes

Copies of the minutes of all regular or special meetings of the Board shall be available to any person or organization that requests them as required by state law. The minutes of all Board meetings shall include a record of individual votes on all matters requiring Board concurrence. The Authority is required to maintain and provide in its office a compilation of all minutes and proceedings of the Board and resolutions of the Board.

3.5.4 Applicability of General Laws

A public corporation, commission, or authority created under the authority set forth in 1.1 above, and officers and multimember governing body thereof, are subject to general laws regulating local governments, multimember governing bodies, and local governmental officials, including, but not limited to, the requirement to be audited by the state auditor and various accounting requirements provided under chapter 43.09 RCW, the open public record requirements of chapter 42.56 RCW, the prohibition on using its facilities for campaign purposes under RCW 42.17A.555, the open public meetings law of chapter 42.30 RCW, the code of ethics for municipal officers under chapter 42.23 RCW, and the local government whistleblower law under chapter 42.41 RCW.

3.6 Quorum

At least four (4) members of the Board must be present at any regular or special meeting to comprise a quorum. At all meetings, except as otherwise provided by law or these by-laws, a quorum shall be required for the transaction of any business.

3.7 Manner of Acting

If a quorum is present when a vote is taken, the affirmative vote of a majority of directors present is the act of the Board of Directors, unless the question is one upon which a different vote is required by express provision of law, the Charter or these Bylaws. Provided, votes regarding (a) debt; (b) approval of the Budget; (c) employment of the Authority executive director; (d) cost allocations made prior to issuance of Bonds; and (e)

acquisition, sale, transfer, disposal, lease or conveyance of any interest in real property owned by the Authority shall require an affirmative vote of a majority of the Permanent Authority Board. Each Board Member shall have an equal vote and have the right to vote in all Board decisions.

3.8 Participation by Telecommunication

Directors may participate in a regular or special meeting of the Board by, or conduct the meeting through the use of, any means of communication by which all directors participating can hear each other during the meeting and participation by such means shall constitute presence in person at the meeting.

3.10 Board Committees

The Board of Directors may, by resolution adopted by a majority of directors, designate from among its directors one or more committees, each of which must have two (2) or more directors and shall be governed by the same rules regarding meetings, notice, waiver of notice, quorum, and voting as applicable to the Board of Directors. Each such committee shall have and may exercise only the authority specifically granted to it by the Board of Directors and these bylaws. The designation of any such committee and the delegation thereto of authority shall not relieve the Board of Directors, or any directors thereof, of any responsibility imposed by law on the Board of Directors.

3.10.1 Advisory Committees

In addition to Committees discussed in Section 3.10 above, the officers shall have the ability to appoint advisory committees to the Authority as from time to time determine appropriate.

3.13 Dissolution

Dissolution of the Authority shall be in the form and manner required by state law, the Interlocal Agreement entered into between the City of Spokane and Spokane County entitled "INTERLOCAL AGREEMENT BETWEEN THE CITY OF SPOKANE COUNTY REGARDING FORMATION OF A PBULC DEVELOPMENT AUTHOIRTY FOR THE WEST PLAINS/AIRPORT AREA, the Charter OF THE West Plains/Airport Area Public Development Authority and these Bylaws.

3.14 Compensation

No director shall receive any compensation, either by way of salary or fees for attendance at meetings or otherwise, nor shall any director be reimbursed for expenses, except pursuant to the authorization of the Board of Directors.

ARTICLE 4. OFFICERS

4.1 Number and Qualifications

The officers of the Authority shall be elected by the directors and shall include a Chair, a Vice-Chair, a Secretary, and a Treasurer. Additional Officers, as deemed necessary by the Authority shall exercise only such powers and perform such duties as specifically delegated to them by the Board of Directors. Furthermore, unless specifically authorized by the Board of Directors, no "Additional Officers" shall have authority to sign documents on behalf of the Corporation.

4.2 Appointment and Term of Office

The officers of the Authority shall be elected at the annual meeting of the directors, to be held in January of every year, and shall hold office for one (1) year or until their successors are elected and have qualified. Any officer may be removed at any time, with or without cause, by majority vote of the directors. The removal of a Board member from an office does not remove the member from the Board. No officer shall hold the same office position for more than two (2) terms in the same capacity. Vacancies in any office shall be filled by majority vote of the directors for the unexpired term of the vacant office.

4.5 Chair

The Chair shall preside at all meetings of the Authority, shall have general supervision of the affairs of the Authority, and shall perform such other duties as are incident to the office or are properly required of the Chair by the Authority.

4.5 Vice-Chair

During the absence or disability of the Chair, the Vice-Chair shall exercise all the functions of the Chair. The Vice-Chair shall have such powers and discharge such duties as may be assigned to the Vice-Chair from time to time by the Authority.

4.6 Treasurer

The Treasurer shall have the custody of all monies and securities of the Authority and shall keep regular books of account. The Treasurer shall oversee the disbursement of funds of the Authority in payment of the just demands against the Authority or as may be ordered by the Authority (taking proper vouchers for such disbursements) and shall render to the Authority from time to time as may be required, an account of all transactions undertaken as Treasurer and of the financial condition of the Authority. The treasurer shall perform such other duties as are incident to the office or are directed by the Chair or by the Authority.

4.7 Secretary

The Secretary shall issue notices for all meetings, except for notices of special meetings of the directors and the Authority which are called by the requisite number of directors, shall arrange and distribute minutes of all meetings, shall have charge of the seal and the corporate books, and shall make such reports and perform such other duties

as are incident to the office, or are directed of the Secretary by the Chair or by the Authority.

4.8 Temporary Transfer of Powers and Duties

In case of the absence or illness of any officer of the Authority, or for any other reason that the directors may deem sufficient, the directors may delegate and assign, for a specified time, the powers and duties of any officer to any other director.

ARTICLE 5. CONTRACTS, LOANS, CHECKS, DEPOSITS

5.1 Contracts

The Board of Directors may authorize any officer or officers, agent or agents, to enter into any contract or execute and deliver any instrument in the name of and on behalf of the Authority, and that authority may be general or confined to specific instances.

5.2 Loans

No loans shall be contracted on behalf of the Authority and no evidences of indebtedness shall be issued in its name unless authorized by a resolution of the Board of Directors consistent with section 3.7.

5.3 Checks, Drafts, Etc.

All checks, drafts, or other orders for the payment of money, notes, or other evidences of indebtedness issued in the name of the Authority shall be signed by the officer or officers, or agent or agents, of the Authority and in the manner as shall from time to time be prescribed by resolution of the Board of Directors.

5.4 Deposits

All funds of the Authority not otherwise employed shall be deposited from time to time to the credit of the Authority in an Authority controlled financial account. The Treasurer and the Secretary will have signature rights to the account.

5.5 Loans to Directors and Officers

No loans shall be made by the Authority to any officer or to any director.

ARTICLE 6. MISCELLANEOUS PROVISIONS

6.1 Books and Records

The Authority shall keep correct and complete books and records of account, minutes of the proceedings of the Board of Directors and any committees designated by the Board of Directors, and such other records as may be necessary or advisable.

6.2 Fiscal Year

The fiscal year of the Authority shall be the calendar year or such other fiscal year as may be determined by resolution adopted by the Board of Directors.

6.3 Amendments to these Bylaws

The initial Bylaws shall be approved by the City and County and may be amended to provide additional or different rules governing the Authority and its activities as are not inconsistent with state law, the Interlocal Agreement and Charter and which are processed and approved as provided for in the Charter. The Board may provide in the Bylaws for all matters related to the governance of the Authority, including but not limited to matters referred to elsewhere in the Charter for inclusion therein. Future bylaw amendments shall be approved by the Authority, processed as provided for in the Charter, Section 9.4 and shall take effect ten days after the amendments have been filed with the City Clerk and the Clerk of the Board of County Commissioners.

6.5 Form of Seal

The seal of the Authority shall be a circle with the name "West Plains/ Airport Area Public Development Authority" inscribed therein.

6.6 Voting Requirement

Unless specifically declared otherwise, all matters affecting the Authority may be determined by a vote of the directors, voting either in person or by telecommunication in compliance with section 3.7.

These Bylaws approved by City of Spokane Ordinance No. ____, adopted by the Spokane City Council on _____, 2017 and approved by the Spokane County Resolution No. ____, adopted by the Board of County Commissioners on _____, 2017.

Council President

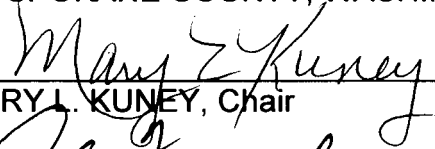
ATTEST:

City Clerk

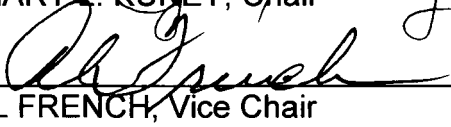
Approved as to form:

Assistant City Attorney

BOARD OF COUNTY COMMISSIONERS
OF SPOKANE COUNTY, WASHINGTON



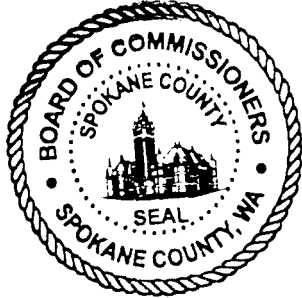
MARY L. KUNEY, Chair



AL FRENCH, Vice Chair

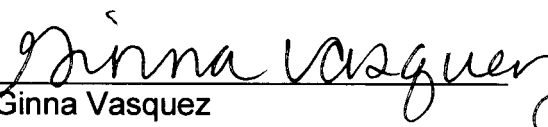


JOSH KERNS, Commissioner




Attest:

Approved as to form:



Ginna Vasquez
Clerk of the Board



Deputy Civil Prosecuting Attorney

Exhibit 21

**AMENDED CHARTER OF THE
WEST PLAINS/AIRPORT AREA PUBLIC DEVELOPMENT AUTHORITY**

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**CHARTER OF THE WEST PLAINS/ AIRPORT AREA PUBLIC DEVELOPMENT
AUTHORITY**

ARTICLE I

Name and Seal

Section 1.1 Name. The name of this Authority shall be the WEST PLAINS/ AIRPORT AREA PUBLIC DEVELOPMENT AUTHORITY (the "Authority").

Section 1.2 Seal. The Authority's seal shall be a circle with the name "West Plains/ Airport Area Public Development Authority" inscribed therein.

ARTICLE II

Authority and Limit on Liability

Section 2.1 Authority. The Authority is a public authority organized pursuant to RCW 35.21. 730 -755 and RCW 35.21.757, as amended (the "Act") and the interlocal cooperation agreement entered into between the City of Spokane ("City") and Spokane County ("County") entitled "INTERLOCAL AGREEMENT BETWEEN THE CITY OF SPOAKNE AND SPOKANE COUNTY REGARDING FORMATION OF A PUBLIC DEVELOPMENT AUTHORITY FOR THE WEST PLAINS/AIRPORT AREA ("the Interlocal Agreement") a copy of which is attached hereto as Attachment "1" and incorporated herein by reference. All provisions of the Interlocal Agreement are made a part of this Charter and adopted herein by reference. In the event on an inconsistency between the provisions of the Charter and the Interlocal Agreement, the Charter shall control.

Section 2.2 Limit on Liability. The Authority is an independent legal entity exclusively responsible for its own debts, obligations and liabilities. All liabilities incurred by the Authority shall be satisfied exclusively from the assets, credit, and properties of the Authority, and no creditor or other person shall have any right of action against or recourse to the City or the County, their respective assets, credit or services, on account of any debts, obligations, liabilities or acts or omissions of the Authority.

Section 2.3 Mandatory Disclaimers. The following disclaimer shall be printed or stamped on all contracts, bonds and other documents that may entail any debt or liability by the Authority.

The West Plains/ Airport Area Public Development Authority is a public authority organized pursuant to the laws of the State of Washington, RCW 35.21.730 through RCW 35.21.757. RCW 35.21.750 provides as follows:

[A]ll liabilities incurred by such public corporation, commission, or authority shall be satisfied exclusively from the assets and properties of such public corporation, commission, or authority and no creditor or other person shall

have any right of action against the city, town, or county creating such corporation, commission or authority on account of any debts, obligations, or liabilities of such public corporation, commission, or authority.

ARTICLE III

Duration

The duration of the Authority shall be perpetual except as provided in the Interlocal Agreement between the City and County

ARTICLE IV

Purpose

The purpose of the Authority is to provide a legal entity organized under RCW 35.21.730 - .757 to undertake, assist with and otherwise facilitate the acquisition, construction, development, equipping, leasing, operation and maintenance of public benefit projects ("the Projects") within the PDA boundaries as defined in the Interlocal Agreement in order to assist both the City, County and the Spokane International Airport in their ability to improve the economic conditions in and around the City and County of Spokane. To the extent appropriate and consistent with the needs and objectives of the City and County, the Authority will acquire and manage real property, secure financing, undertake the construction and development of and otherwise accomplish all purposes required for development and operation of the Projects.

To the extent appropriate and consistent with the needs and objectives of the City and County and to facilitate or provide for the Projects, the Authority will undertake and accomplish all activities necessary or convenient for the development, operation and implementation of the Projects which by agreement of the City and County, may extend beyond the geographical boundaries of the PDA.

For the purpose only of securing the exemption from federal income taxation for interest on obligations of the Authority, the Authority constitutes an authority an instrument of the City and County pursuant to the Interlocal Agreement (within the meaning of those terms in regulations of the United States Treasury and ruling of the Internal Revenue Service prescribed pursuant to Section 103 of the Internal Revenue Code of 1998, as amended).

ARTICLE V

Powers

Section 5.1 Powers. The Authority shall have and may exercise all lawful powers conferred by state laws, the Interlocal Agreement and Charter. The Authority in all of its activities and transactions shall be subject to the powers, procedures and limitations contained in State law and the Interlocal Agreement. Nothing in the Authority's Charter and Bylaws may contradict state law or the Spokane Municipal Code.

Section 5.2. Powers Generally

Except as limited by the Constitution and laws of the State of Washington, the interlocal agreement, and this Charter, the Authority has and may exercise all lawful powers necessary or convenient to affect the purposes for which it is created and to perform authorized corporate functions, including, without limitation, the power to:

- A. own and sell real and personal property;
- B. contract for any corporate purpose with a government, individual, association or corporation;
- C. sue and be sued in its name;
- D. lend and borrow funds;
- E. do anything a natural person may do;
- F. perform all manner and type of community services and activities;
- G. provide and implement such municipal and community services and functions as the City and County may, by legislative or contractual action direct;
- H. transfer any funds, real or personal property interests or services;
- I. receive and administer federal and private funds, goods or services for any lawful public purpose;
- J. purchase, lease, exchange, mortgage, encumber, improve, use, transfer and grant security interest in real or personal property;
- K. grant or acquire options on real and personal property;
- L. contract regarding income or receipts from real and personal property;
- M. issue negotiable bonds and notes in conformity with applicable provisions of state law in such principal amounts as in the discretion of the board are necessary or appropriate to provide sufficient funds for achieving any purpose of the Authority, upon the condition that:
 - 1. all bonds and notes, and liabilities occurring thereunder, shall be satisfied exclusively from the assets, properties and credits of the Authority; and
 - 2. no creditor or other person may have any recourse to the assets, credit or services of the City or County, unless the city council or the county commissioners by legislative action expressly guarantee such bonds or notes;
- N. contract for, lease and accept transfers, gifts and loans or funds and property from a:

1. government, including property acquired by any such governmental unit through the exercise of the power of eminent domain; and
 2. corporation, association, individual and any other source, and to comply with the terms and conditions therefor;
- O. manage, on behalf of a government, any property acquired by such entity through gift, purchase, construction, lease, assignment, default or exercise of the power of eminent domain;
- P. recommend to appropriate governmental authorities public improvements and expenditures in areas of the City or County in which the Authority by its Charter has a particular responsibility;
- Q. recommend to a government any property which, if committed or transferred to the Authority, would materially advance the public purpose for which the Authority is chartered;
- R. initiate, carry out and complete such improvements of benefit to the public, consistent with its charter, as a government may request;
- S. recommend to a government such tax, financing and security measures as the Authority may deem appropriate to maximize the public interest in activities in which the Authority by its Charter has a particular responsibility;
- T. lend its funds, property, credit and services for purposes of the Authority, or act as surety or guarantor for such purposes;
- U. provide advisory, consultative, training, educational and community services and advice to individuals, corporations, associations and governmental agencies, with or without charge;
- V. control the use and disposition of property, assets, and credit of the Authority;
- W. invest and re-invest its funds;
- X. fix and collect charges for services rendered or to be rendered and establish the consideration, if any, for property transferred;
- Y. maintain books and records as appropriate for the conduct of its affairs;
- Z. conduct its affairs, carry on its operations and use its property as allowed by law and consistent with this chapter, its charter and its bylaws;
- AA. name corporate officials, designate agents and engage employees, prescribing their duties, qualifications and compensation;

- BB. secure the services of consultants for professional services, technical assistance and advice;
- CC. identify and recommend to a government the acquisition by the appropriate governmental entity (for transfer to or use by the Authority) property and property rights which, if so acquired, whether through purchase or the exercise of eminent domain, and so transferred or used, would materially advance the purpose for which the Authority is chartered;
- DD. own and acquire property and property rights by purchase, gift, devise, or lease for the construction, maintenance or operation of off-street parking facilities, including the establishment and collection of parking fees and all other matter provided for in chapter 35.86 RCW and chapter 35.86A RCW;
- EE. exercise and enjoy such other powers as may be authorized by law.

Section 5.3 Limitation on Power. The Authority in all activities and transactions shall be limited in the following respects:

- A. The Authority has no power of eminent domain nor power to levy taxes or special assessments.
- B. The Authority may not incur or create any liability that permits recourse by any party or member of the public to any assets, services, resources or credit of the City or County.
 - 1. All liabilities incurred by the Authority shall be satisfied exclusively from the assets and credit of the Authority.
 - 2. No creditor or other person may have any recourse to the assets, credit or services of the City or County on account of any debt, obligation, liability, act or omission of the Authority.
- C. Use of Funds.
 - 1. No funds, assets or property of the Authority may be used for any partisan political activity or to further the election or defeat of any candidate for public office.
 - 2. No funds nor a substantial part of the activities of the Authority may be used for publicity or educational purposes designed to support or defeat legislation pending before the Congress of the United States, the Legislature of the State of Washington, the Spokane City Council or the Spokane County Board of Commissioners.
 - 3. Notwithstanding subsections (1) and (2) of this section, funds may be used for representatives of the Authority to communicate with members

of Congress, state legislators, city council members and county commissioners concerning funding and other matters directly affecting the Authority, so long as such activities:

- a. do not constitute a substantial part of the Authority's activities;
and
- b. are not specifically limited in its Charter.

D. All funds, assets and credit of the Authority must be applied toward or expended upon services, projects and activities authorized by its Charter. No part of the net earnings of the Authority may inure to the benefit of, or be distributable as such to, its directors or officers or other private persons, except the Authority is authorized and empowered to:

1. compensate its officials and others performing services for the Authority, including legal counsel, a reasonable amount for services rendered and reimburse reasonable expenses actually incurred in performing their duties;
2. assist its officials, as members of a general class of persons to be assisted by an Authority-approved project or activity, to the same extent as other members of the class as long as no special privilege or treatment accrues to such official by reason of status or position in the Authority;
3. defend and indemnify any current or former director or employee, and spouse and marital community thereof, against all costs, expenses, judgments and liabilities, including attorney's fees, reasonably incurred by or imposed upon such director or employee in connection with or resulting from any claim, action or proceeding, civil or criminal, by reason of being or having been an official of the Authority, or by reason of any action alleged to have been taken or omitted by him as such official, so long as the official was acting:
 - a. in good faith on behalf of the Authority, and
 - b. within the scope of duties imposed or authorized by law;
4. purchase insurance to protect and hold personally harmless any of its officials (including employees and agents) from any action, claim or proceeding instituted against the foregoing individuals arising out of the performance, in good faith, of duties for, or employment with, the Authority and to hold these individuals harmless from any expense connected with the defense, settlement or monetary judgment from such action, claim or proceeding;
5. sell assets for a consideration greater than their reasonable market value or acquisition cost, charge more for services that the expense of providing them, or otherwise secure an increment in a transaction, or carry out any other transaction or activity, as long as gain is not the principal object or purpose of the Authority's transaction or activity and the gain is applied to or expended upon services, projects and activities

as aforesaid.

- E. The Authority may not issue shares of stock, pay dividends, make private distributions of assets, make loans to its directors or employees, or otherwise engage in business for private gain.

Section 5.4 Indemnification. To the extent permitted by law, the Authority shall protect, defend, hold harmless and indemnify any person who becomes a director, officer, employee or agent of the Authority, and who is a party or threatened to be made a party to a proceeding by reason related to that person's conduct as a director, officer, employee or agent of the Authority, against judgments, fines, penalties, settlements and reasonable expenses (including attorneys' fees) incurred by him or her in connection with such proceeding, if such person acted in good faith and reasonably believed his or her conduct to be in the Authority's best interests and if, in the case of any criminal proceedings, he or she has no reasonable cause to believe his conduct was unlawful. The indemnification and protection provided herein shall not be deemed exclusive of any other rights to which a person may be entitled as matter of law or by contract or by vote of the Board of Directors. The Authority may purchase and maintain appropriate insurance for any person to the extent provided by applicable law.

ARTICLE VI

Board of Directors

Section 6.1 Board Composition. An Administrative Board composed of the following positions shall govern the Authority:

- a. Permanent Board Members:
 - i. One City Airport Board designated representative selected by the City,
 - ii. One County Airport Board designated representative selected by the County,
 - iii. One County Executive,
 - iv. One Airport CEO,
 - v. The City of Spokane City Administrator, and
- b. At-large Business Representative:
 - i. Two at-large business representatives who will be selected by a majority vote of the 5 permanent Board Members as described in the above sub-paragraphs i-v).

For the purpose of this section, Airport Board shall mean the Spokane Airport Board created pursuant to City of Spokane Number OPR 1986-0318 and Spokane County Resolution Number 1990-0082 (the "Airport Interlocal").

Section 6.2 Terms of Office. The Term of Office for Authority Board members shall be as follows: individual Permanent Board members shall be for the term as employed or

elected representative of the designated position and their term shall expire upon their departure from the City, County or Airport. At-large Business Representative shall be for a period of three (3) years (staggered), or as otherwise designated by a majority of the Permanent Board Members.

Section 6.3 Officers and Division of Duties. The Authority shall have four (4) officers. The same person shall not serve as both the Chair and any office responsible for the custody of funds and maintenance of accounts and finances. The initial officers of the Authority shall be the Chair, Vice-Chair, Treasurer and Secretary. These officers shall be members of the Board. The Chair shall be the agent of the Authority for service of process; the Bylaws may designate additional corporate officials as agents to receive or initiate process. Further duties of all officers may be provided for in the Bylaws. The Board shall oversee the activities of the corporate officers, establish and/or implement policy, participate in corporate activity, and shall have stewardship for management and determination of all corporate affairs.

Section 6.4 Committees. The Board shall have the authority to appoint such advisory committees to the Authority as the Board may from time to time determine appropriate. The appointment of other committees shall be provided for in the Bylaws.

Section 6.5 Removal of Board Member. Board members may only be removed from the Authority Board upon their departure from the City, County, or Airport Board; or as otherwise designated by the City or County in regards to the selection of Airport Board designated representatives in the Airport Interlocal.

ARTICLE VII

Meetings

Section 7.1 Board Meetings.

The Board shall meet as necessary but not less two meetings each year. Special meetings of the Board may be called as provided in the Bylaws. The Bylaws may provide that meetings shall be recorded and maintained by the Authority.

Section 7.2 Open Public Meetings. All meetings of the Board shall be conducted consistent with the Open Public Meetings Act (OPMA), chapter 42.30 RCW. Notice of meetings shall be given in a manner consistent with the OPMA. At such meeting, any citizen shall have a reasonable opportunity to address the Board either orally or by written petition. Voting by proxy is not permitted. Participation by a Board member by telephone or other electronic communication shall be permitted. Conduct of the meetings, including voting, shall be consistent with the OPMA.

Section 7.3 Parliamentary Authority. The rules of Robert's Rules of Order (revised) shall govern the Authority in all cases to which they are applicable, where they are not inconsistent with the Charter or with the special rules of order of the Authority set forth in the Bylaws.

Section 7.4 Minutes. Copies of the minutes of all regular or special meetings of the Board shall be available to any person or organization that requests them as required by

state law. The minutes of all Board meetings shall include a record of individual votes on all matters requiring Board concurrence. The Authority is required to maintain and provide in its office a compilation of all minutes and proceedings of the Board and resolutions of the Board.

ARTICLE VIII

Bylaws

The initial Bylaws may be amended to provide additional or different rules governing the Authority and its activities as are not inconsistent with this Charter, state law or the Interlocal Agreement. The Board may provide in the Bylaws for all matters related to the governance of the Authority, including but not limited to matters referred to elsewhere in the Charter for inclusion therein.

ARTICLE IX

Amendments to Charter and Bylaws

Section 9.1 Proposals to Amend Charter and Bylaws. Any Board member may introduce a proposed amendment to the Charter or to the Bylaws at any regular meeting or at any special meeting for which five (5) days advance written notice has been given to members of the Board. Proposals to amend the Charter or Bylaws shall be presented in a format that strikes over material to be deleted and underlines new material.

Section 9.2 Vote Required for Amendments to Charter or Bylaws. Resolutions of the Board approving proposed amendments to the Charter or Bylaws require an affirmative vote of a majority of the Board members voting on the issue, provided that such majority equals not less than four (4) votes.

Section 9.3 City Council and Spokane County Board of Commissioners' Approval of Proposed Charter. Future proposed Charter amendments adopted by the Board shall be submitted to the Spokane City Council and the Spokane County Board of Commissioners for adoption and approval.

Section 9.4 Amendment of Bylaws. The initial bylaws shall be approved by the City and County. Future bylaw amendments shall be approved by the Authority and shall take effect ten days after the amendments have been filed with the City Clerk and the Clerk of the Board of County Commissioners.

ARTICLE X

Commencement

The Authority shall commence its existence effective upon approval of its Charter by the Spokane City Council and Spokane County Board of Commissioners. The Charter shall be issued in quadruple originals, each bearing the City's official seal attested by the City Clerk and the County's official seal attested by the County Clerk. One original each shall be retained by the City Clerk and County Clerk and filed as a public record; one duplicate original shall be provided to the Authority. The Clerk shall give notice of the

issuance of the Charter to the Secretary of State and furnish a copy thereof and of this ordinance upon request.

ARTICLE XI

Dissolution

Dissolution of the Authority shall be in the form and manner required by state law and the Interlocal Agreement. Upon dissolution, all assets of the Authority shall revert to the Spokane International Airport.

ARTICLE XII

Approval of Charter

APPROVED by Ordinance No. _____ adopted by the City Council of the City of Spokane, Washington on _____, _____, 2019.

CITY OF SPOKANE

By: _____

Its: _____

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

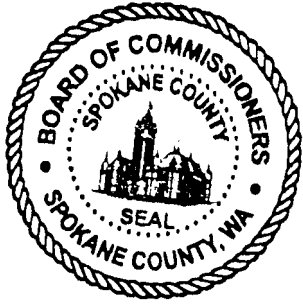
APPROVED by Resolution No. 19-1391 adopted by the Board of County Commissioners of Spokane County, Washington on October 8, 2019.

BOARD OF COUNTY COMMISSIONERS
OF SPOKANE COUNTY, WASHINGTON

Mary L. Kuney
MARY L. KUNEY, Chair

Al French
AL FRENCH, Vice Chair

Josh Kerns
JOSH KERNS, Commissioner



Attest:

Approved as to form:

Ginna Vasquez
Ginna Vasquez
Clerk of the Board

John J. Davilly
Deputy Civil Prosecuting Attorney

Exhibit 22

BOARD BRIEFING MEETING MINUTES FOR OCTOBER 24, 2023

BOARD OF COUNTY COMMISSIONERS OF SPOKANE COUNTY, WASHINGTON

CHRIS JORDAN, DISTRICT 1 * AMBER WALDREF, DISTRICT 2 * JOSH KERNS, DISTRICT 3
MARY L. KUNEY, DISTRICT 4 * AL FRENCH, DISTRICT 5
COMMISSIONERS OFFICE (509) 477-2265

Prepared by Ginna Vasquez, Clerk of the Board

OCTOBER 24, 2023

SPOKANE COUNTY COURTHOUSE – 1116 WEST BROADWAY AVENUE
COMMISSIONERS' CONFERENCE ROOM VIA ZOOM AND IN-PERSON.

9:00 A.M. - BOARD BRIEFING MEETING AGENDA

On October 24, 2023 at 9:00 AM the Board met in regular session, pursuant to adjournment. Chair, Mary L. Kuney, Vice-Chair Josh Kerns, Commissioner Amber Waldref and Commissioner Chris Jordan were present, constituting a quorum. Commissioner Al French was attending virtually via Zoom. The Chair approved the minutes of the previous board meeting. Proceedings were recorded on recording system file dated October 24, 2023.

All items below are approved unanimously unless indicated in bold type. All by leave items added to the original agenda are also bolded as such.

2. MEETING TOPIC(S)

- a. Chandra Fox, Department of Emergency Management Director (**9:00 a.m. to 9:20 a.m.**)
 - Gray Road and Oregon Road Fires Update
- b. Justin Johnson, Community Services Director (**9:20 a.m. to 9:35 a.m.**)
 - Community Services Update regarding upcoming Managed Care Organization (MCO) agreements, Frontier Behavioral Health (FBH) Projects for Assistance in Transition for Homeless (PATH) MOU, Raintree Services Agreement, Behavioral Health Step-Down Contracts, & Maddie's Place Agreement
- c. Mike Burgess, Spokane County Lobbyist (**9:35 a.m. to 10:20 a.m.**)
 - 2024 Legislative Priorities Discussion
- d. Kyle Twohig, Sr. Director of Public Works (**10:20 a.m. to 10:30 a.m.**)
 - John Griffin, Public Works Target Zero Manager: Funding agreement with Washington Traffic Safety Commission for a full-time Region 16 Target Zero Manager position
- e. Kyle Twohig, Sr. Director of Public Works (**10:30 a.m. to 10:35 a.m.**)
 - Matt Zarecor, County Engineer
 - Public Works Project Grant Awards Briefing for the following items:
 - o Colbert Road over Little Spokane River - FFY 2023 Local Bridge Program
 - o Gordon Road over Deep Creek - FFY 2023 Local Bridge Program

- o Hastings Road Channelization - Wall Street & Graves Roads Pedestrian Safety - 2023 County Safety Program, FHWA Highway Safety Improvement Program
- o 2023 Horizontal Curve Signing - 2023 County Safety Program, FHWA Highway Safety Improvement Program
- o Bruce Road and Peone Road Roundabout - 2023 County Safety Program, FHWA Highway Safety Improvement Program

Meeting Adjourned at 10:48 AM

3. THE FOLLOWING ITEM(S) WILL BE CONTINUED TO TUESDAY, OCTOBER 24, 2023 IMMEDIATELY FOLLOWING THE 2:00 P.M. REGULAR LEGISLATIVE SESSION MEETING OR AS SOON AS POSSIBLE THEREAFTER:

- a. Doug Chase, Parks, Recreation & Golf Director **(2:30 p.m. to 2:35 p.m.)**
 - RCO Agreement for Airway Heights Off Road Vehicle (ORV) Park Phase 1 Renovations Briefing
- b. Doug Chase, Parks, Recreation & Golf Director **(2:35 p.m. to 2:40 p.m.)**
 - Execution of Amendment No. 4 to renew the lease agreement for Airway Heights ORV Park Briefing
- c. Doug Chase, Parks, Recreation & Gof Director **(2:40 p.m. to 2:55 p.m.)**
 - Avista Stadium Right-of-Way and Boundary Line Adjustment including future Parks Administration Building Briefing
- d. Scott Chesney, Planning Director **(2:55 p.m. to 3:55 p.m.)**
 - 2023 Comprehensive Plan Amendments briefing

4. MISCELLANEOUS MATTERS

Resolution No. 2023-0643 to approve the selection and authorize the signing of a contract for a Federal Grant Lobbyist/Consultant, Project No. P13644.

Scott Simmons, CEO, possible executive session meetings on the following:

- Acquisition/Lease of Real Estate (RCW 42.30.110(1)(b))
- Sale /Lease of Real Estate (RCW 42.30.110(1)(c))
- Evaluate Qualifications of an Applicant for Public Employment or Review Performance of Public Employee (RCW 42.30.110(1)(g))
- Evaluate the Qualifications of a Candidate for Appointment to Elective Office (RCW 42.30.110(1)(h))
- Labor Negotiations (RCW 42.30.140(4))
- Review Negotiations on the Performance of Publicly Bid Contracts (RCW 42.30.110(1)(d))

Chris Anderson, Chief Civil DPA – possible executive session meetings on the following:

- Enforcement Action or Pending/Potential Litigation (RCW 42.30.110(1)(i))

The Board went into executive session for two separate matters for 25 minutes on:

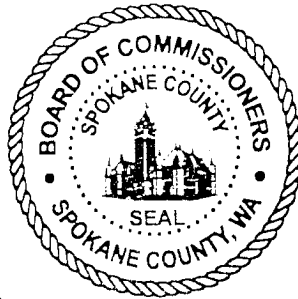
1. Pending/Potential Litigation (RCW 42.30.110(1)(i)) for 10 minutes. Those present will be BOCC, Scott Simmons, Ashley Cameron, Chris Anderson. No action.
2. Pending/Potential Litigation (RCW 42.30.110(1)(i)) for 15 minutes. Those present will be BOCC, Scott Simmons, and Chris Anderson. No action.

The Board went into executive session at 4:30 p.m. until 4:55 p.m. and will adjourn following the executive session.

Meeting Adjourned at 4:29 PM

**NEXT BOARD BRIEFING MEETING
WILL BE OCTOBER 31, 2023**

Approved:



Shelly Thompson obo

Ginna Vasquez, Clerk of the Board

Mary L. Kuney
Mary L. Kuney, Chair

AMERICANS WITH DISABILITIES ACT (ADA) INFORMATION: Spokane County is committed to providing equal access to its facilities, programs and services for persons with disabilities. The Commissioner's Hearing Room at 1026 West Broadway is wheelchair accessible and is equipped with an infrared assistive listening system for persons with hearing loss. Individuals requesting reasonable accommodations or further information may call, write, or email Ashley Cameron at (509) 477-5750 (TDD), 824 North Adams Street, Spokane, WA, 99260; or acameron@spokanecounty.org. Please contact us forty-eight (48) hours before the meeting date.