

Agenda Summary Report (ASR)

Franklin County Board of Commissioners

DATE SUBMITTED: December 13, 2022	PREPARED BY: Derrick Braaten
Meeting Date Requested: December 20, 2022	PRESENTED BY: Derrick Braaten
ITEM: (Select One) <input checked="" type="checkbox"/> Consent Agenda <input type="checkbox"/> Brought Before the Board Time needed:	
SUBJECT: Request for renewal of the Cooperative Agreement for Agricultural Burning between Franklin County and the Franklin Conservation District.	
FISCAL IMPACT: None	
<p>BACKGROUND: Every two (2) years the Franklin County Commissioners submit a letter to the Department of Ecology (DOE) formally requesting delegation to administer the agricultural burning permit program within Franklin County. The Delegation Order summarizes the legal authority, findings of fact, and applicable conclusions with the approval signature of the DOE. The Delegation Order will be approved for a two-year time period ending on December 31, 2024. The Delegation Order is identical to the 2020 - 2022 Order, and again finalizes the process for Franklin County to subcontract with the Franklin Conservation District to administer the agricultural burning permit program.</p> <p>Additional History: Franklin County was part of an Air Quality Authority (Benton-Franklin-Walla Walla) in the 1990's. The County transitioned out of the local air quality authority in the mid-1990's (approximate). The County continued issuing Agricultural Burning Permits through 2002 (approximate) via a delegated order with the DOE as administered by the County's Agricultural Burn Control Officer within the Planning and Building Department. This process changed in 2003 (approximate) with the reclassification of the Agricultural Burn Control Officer. The County, as a means to retain local control and administration of the agricultural burn permitting program, began discussions with the Franklin Conservation District to determine the District's interest in operating the day to day administration of the program. A formal agreement began and is known as the <i>Local Agricultural Burn Permitting Authority Cooperative Agreement between Franklin County and the Franklin Conservation District</i>. This agreement is reviewed, and if found to be appropriate, renewed every two (2) years during the same time period when the Request for Delegation is being submitted.</p>	
RECOMMENDATION: Recommend that the Board of County Commissioners sign the attached Cooperative Agreement between Franklin County and the Franklin Conservation District for the administration of the agricultural burn permitting program for a two year time period, consisting of the Years 2023 and 2024.	
COORDINATION: The Franklin Conservation District has confirmed its interest and desire to continue providing this permitting service to the community. A new 2 year Cooperative Agreement has been prepared for review and signature by both the County Commissioners and the Franklin Conservation District Board of Supervisors. Once the Agreement is signed by both parties, it will be returned to the DOE in order for the official delegation to become final. The attached Cooperative Agreement is identical to the one signed by both parties in 2020.	
ATTACHMENTS: (Documents you are submitting to the Board) (1) The draft Cooperative Agreement for Agricultural Burning between Franklin County and the Franklin Conservation District for 2023 and 2024. (3) Draft Letter to DOE	
HANDLING / ROUTING: To the Clerk of the Board: 1 Original Agreement; Franklin County Conservation District: 1 Original Agreement; To Planning: 1 Copy of Final Signed Agreement; To WA Dept. of Ecology: 1 Copy of Final Signed Agreement	

I certify the above information is accurate and complete.

 Derrick Braaten

FRANKLIN COUNTY RESOLUTION NO. _____

**LOCAL AGRICULTURAL BURN PERMITTING AUTHORITY
COOPERATIVE AGREEMENT**

between

FRANKLIN COUNTY, WASHINGTON

and

FRANKLIN CONSERVATION DISTRICT

WHEREAS, Franklin County, Washington, a political subdivision of the State of Washington, hereinafter referred to as the “County”, desires to carry out the requirements of the local agricultural burn permitting authority as officially delegated by the Washington State Department of Ecology; and

WHEREAS, Franklin County wishes to retain local control and administration of the agricultural burn permitting authority program, and

WHEREAS, Franklin Conservation District, a political subdivision of the State of Washington, hereinafter referred to as “FCD” has indicated willingness to assume these responsibilities and concurs with County’s desires and wishes.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

- 1. The COUNTY will actively seek to retain the designation from the Department of Ecology as the Local Agricultural Burn Permit Authority for the agricultural producers within the political boundaries of Franklin County.**
- 2. The COUNTY, through the Board of Commissioners, will provide general oversight for the Local Agricultural Burn Permitting Program.**
- 3. The COUNTY, upon execution of this agreement, subcontracts out to the FCD the day-to-day administration of the agricultural burn permitting program, review and issuance or denial of permits, collection of permit fees, record keeping and documentation requirements of the program; the training, supervision, office space, materials, and payment of any employee needed to administer the permitting program for agricultural producers within the boundaries of Franklin County.**
- 4. The COUNTY shall defend, indemnify and hold the FCD, individuals, their officers, officials, board members, and FCD employees harmless from any and all claims, injuries, damages, losses or suits including attorney fees, arising out of or in connection with the good faith performance of job duties as related to this Agreement, except for injuries and damages caused by the use or operation of a motor vehicle by an employee of the FCD.**

FRANKLIN COUNTY RESOLUTION NO. _____

- 5. The FCD agrees to provide day-to-day administration of the agricultural burn permit program, make permit applications available to agricultural producers within the political boundaries of Franklin County, accept completed agricultural burn permit applications and review such applications, issue or deny agricultural burn permits based on a thorough review of the applications and process requests made under the Freedom of Information Act and the Washington Open Records Law.**
- 6. The FCD agrees to perform any other requirements as directed by State law and/or the Washington Department of Ecology in administering the agricultural burn permit program.**
- 7. The FCD agrees to define the procedures of receiving, depositing, and accounting for agricultural burn permit fees from agricultural producers within Franklin County boundaries.**

FIRST DISTRIBUTION AND PRIORITY:

Those portions of per acre burn permit fees and spot burn permit fees required by State law to be remitted to the Department of Ecology as set at the date of signing or at such time amended by the Department of Ecology.

SECOND DISTRIBUTION AND PRIORITY:

Those expenses incurred for administrating the burn permit program to be retained by the subcontractor.

- 8. The FCD will compile and submit to Franklin County a biannual report that summarizes the following:**
 - (a) Total number of SPOT and REGULAR agricultural burn permits processed, approved and denied;**
 - (b) Farm operators' names; and**
 - (c) Total numbers of agricultural acres approved to burn within Franklin County boundaries.**

BE IT FURTHER RESOLVED that this agreement shall become effective as of January 1, 2023.

This agreement may be amended in writing at any time by mutual consent of both parties.

This agreement may be terminated with 60 days written notice between the parties.

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This agreement shall remain in effect until December 31, 2024. It may be renewed for an additional period of time by mutual agreement of the parties

If any part of this agreement is deemed by any court of competent jurisdiction to be contrary to law, such provision shall be null and void and deemed separate from the remaining provision(s) to assure continuous operation of the local Agricultural Burn Permit Program.

SIGNED AND DATED THIS _____ DAY OF _____ 2022.

**BOARD OF COUNTY COMMISSIONERS
FRANKLIN COUNTY, WASHINGTON**

Chairman

Chair Pro-Tem

Member

Attest:

Clerk to the Board

FRANKLIN CONSERVATION DISTRICT

**By: _____
Franklin Conservation District, Chairman**

Date: _____

Original to County Auditor
Original to Franklin Conservation District
Duplicate to Planning and Building Dept.
Duplicate to Washington State Dept. of Ecology



BOARD OF COMMISSIONERS
FRANKLIN COUNTY
WASHINGTON

BRAD PECK
District 1

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District 3

Duane Davidson
Interim County Administrator

December 20, 2022

Mr. Daniel Matsche
Agriculture and Open Burning Unit Supervisor
Washington State Department of Ecology
Agricultural Burn Program
4601 North Monroe
Spokane, WA 99205-1295

**Re: Request for Renewal of Delegation of Authority to Franklin County, Washington
for the Years 2023 and 2024 for Agricultural Burning Permits**

Dear Mr. Daniel Matsche:

The Franklin County Board of Commissioners is requesting renewal of Delegation of Authority for Agricultural Burning, pursuant to Chapter 70.94 of the Revised Code of Washington and the rules and regulations of the Department of Ecology for the Years 2023 and 2024.

Please note that Franklin County has once again renewed the cooperative agreement with the Franklin Conservation District regarding agricultural burn permitting authority. The agreement is for a two (2) year time period (2023 and 2024), in an effort to maintain consistency with the Delegation of Authority timelines. Please find enclosed a copy of the signed Local Agricultural Burn Permitting Authority Cooperative Agreement for the years 2023 and 2024, along with the authorizing Resolution.

Thank you for your assistance regarding this matter

Sincerely,

Board of County Commissioners
Franklin County, Washington

Chairman

Chairman Pro-Tem

Member