

RESOLUTION NO. 2025-0155

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF FRANKLIN COUNTY, WASHINGTON, ADOPTING A LITIGATION COMMUNICATION PLAN WITH THE FRANKLIN COUNTY PROSECUTING ATTORNEY'S OFFICE

WHEREAS, Franklin County (hereinafter "the County") is periodically involved in litigation matters that require careful and coordinated communication to protect the County's legal interests and ensure transparency with the public where appropriate; and

WHEREAS, the Franklin County Prosecuting Attorney's Office (hereinafter "Prosecutor's Office") is the primary legal advisor to the County and represents the County in most litigation matters; and

WHEREAS, effective communication and a coordinated strategy between the Board of Franklin County Commissioners and the Prosecutor's Office are essential for the successful management of litigation; and

WHEREAS, a formalized Litigation Communication Plan (hereinafter "the Plan") will establish clear protocols, roles, and responsibilities for communication regarding pending, threatened, or potential litigation; and

WHEREAS, the adoption of such a Plan will promote efficiency, reduce potential misunderstandings, ensure timely dissemination of relevant information to the Board, and facilitate informed decision-making; and

WHEREAS, the Board has developed and attached the Franklin County Litigation Communication Plan, marked as "Exhibit A" and incorporated herein by reference;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF FRANKLIN COUNTY, WASHINGTON, as follows:

Section 1: Adoption of Plan. The Litigation Communication Plan, attached hereto as Exhibit A, is hereby adopted and shall govern communications related to litigation matters involving Franklin County between the Board of County Commissioners and the Franklin County Prosecuting Attorney's Office.

Section 2: Purpose. The purpose of this Plan is to ensure that: a. The Board is kept appropriately informed by the Prosecutor's Office regarding the status and progress of litigation matters. b. Communications regarding litigation are handled in a manner that protects attorney-client privilege, attorney work product, and other applicable legal privileges and protections. c. A designated point of contact is established within both the Board and the Prosecutor's Office for litigation-related communications. d. Media and public communications regarding litigation are coordinated and consistent with the County's legal strategy and applicable laws. e. Regular updates and briefings are scheduled as needed or as outlined in the Plan.

Section 3: Implementation. The Chair of the Board of County Commissioners and the Franklin County Prosecuting Attorney are hereby authorized and directed to take all necessary steps to

implement the Litigation Communication Plan. This includes, but is not limited to, educating relevant staff in both offices about the Plan's requirements.

Section 4: Severability. If any section, subsection, sentence, clause, or phrase of this Resolution or the attached Litigation Communication Plan is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Resolution or the Plan.

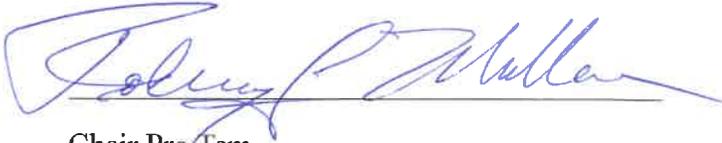
Section 5: Effective Date. This Resolution shall be effective immediately upon its adoption.

ADOPTED this 21st day of May 2025.

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



Chair

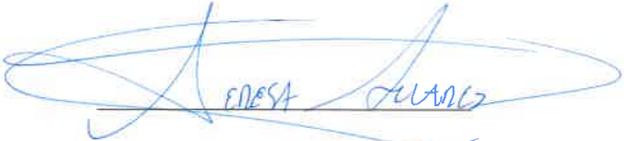


Chair Pro Tem



Member

ATTEST:



Clerk of the Board

Exhibit A

Franklin County Litigation Communication Plan

Purpose:

This plan outlines the procedures and responsibilities for effective and timely communication between the Franklin County Prosecutor's Office (Prosecutor) and the Franklin County Commissioners (Commissioners) regarding actual or potential litigation that affects Franklin County, Washington. The goal is to ensure all parties are informed, can participate appropriately in strategic decisions, and can manage any public communication effectively.

Guiding Principles:

- **Transparency:** Open and honest communication to the extent legally and strategically possible.
- **Timeliness:** Providing information promptly to allow for informed decision-making.
- **Clarity:** Communicating information in a clear, concise, and understandable manner.
- **Collaboration:** Fostering a cooperative approach to litigation management.
- **Confidentiality:** Respecting the confidentiality of sensitive legal matters and attorney-client privilege.

Roles and Responsibilities:

- **Franklin County Prosecutor's Office:**
 - **Initial Notification:** Promptly (within 24 hours) notify the Commissioners or their designated representative upon becoming aware of any actual or reasonably foreseeable litigation that names Franklin County, its entities, elected officials, or employees as a party, or that could significantly impact County interests.
 - **Information Sharing:** Provide the Commissioners with relevant information regarding the litigation, including the nature of the claim, potential exposure, key deadlines, and legal strategy, to the extent permitted by law and legal ethics. When in litigation, provide the

Board of Commissioners with updates every day and within 4 hours of any court filings on the Board's behalf.

- **Legal Advice and Recommendations:** Provide legal advice and recommendations to the Commissioners regarding the litigation, including potential settlement options, defense strategies, and the implications of various courses of action.
 - **Case Updates:** Provide regular updates on the progress of the litigation, including significant filings, court dates, and outcomes.
 - **Coordination of Discovery:** Collaborate with County departments and personnel to gather necessary information and documents for discovery.
 - **Communication Strategy Input:** Provide input on the development of any public communication strategy related to the litigation.
- **Franklin County Commissioners:**
 - **Designated Contact:** Designate a primary point of contact for litigation matters—the County Administrator.
 - **Information Sharing:** Promptly share any information received from County departments or the public that may indicate potential litigation with the Prosecutor.
 - **Participation in Strategy Discussions:** Participate in discussions regarding litigation strategy and provide input based on policy considerations and potential impacts on the County.
 - **Decision-Making:** Make informed decisions regarding litigation strategy, settlement offers, and resource allocation based on the Prosecutor's advice and the County's interests.
 - **Public Communication:** Coordinate with the Prosecutor on any public statements or releases regarding the litigation, ensuring consistency and accuracy.
 - **Resource Allocation:** Ensure the Prosecutor's Office has the necessary resources to effectively manage litigation.

Communication Procedures:

1. Initial Notification:

- The Prosecutor (or their designee) will provide initial notification of potential or actual litigation to the Commissioners' designated contact via [Specify preferred method: e.g., email, phone call, in-person meeting].

- This initial notification will include a brief summary of the matter.
- 2. Information Sharing and Updates:**
 - Regular updates and more detailed information will be shared through [Specify preferred method: e.g., email with attached documents, scheduled meetings, shared secure online platform].
 - The frequency of updates will depend on the stage and significance of the litigation, with more frequent communication during critical phases.
 - Sensitive or confidential information will be clearly marked and handled appropriately.
- 3. Strategy Discussions and Decision-Making:**
 - Significant strategic decisions, such as settlement offers or major legal filings, will be discussed in meetings between the Prosecutor and the Commissioners (or a designated subcommittee).
 - Agendas and relevant materials will be provided in advance of these meetings whenever possible.
 - Decisions will be documented in writing, outlining the agreed-upon course of action.
- 4. Public Communication:**
 - All public statements regarding ongoing litigation will be coordinated between the Prosecutor's Office and the Commissioners' Office to ensure accuracy and consistency.
 - A joint communication strategy may be developed for high-profile or sensitive cases.
 - The Prosecutor will provide legal guidance on what information can be publicly disclosed.
- 5. Emergency Communication:**
 - In urgent situations requiring immediate communication outside of regular procedures, the Prosecutor or Commissioners will use phone calls and text messaging to provide timely updates. This will be followed up with more formal communication as soon as practicable.

Types of Litigation Covered:

This plan applies to all types of actual or potential litigation affecting Franklin County, including but not limited to:

- **Civil lawsuits (personal injury, property damage, contract disputes, etc.)**

- **Federal and State Regulatory Actions**
- **Appeals of administrative decisions**
- **Significant criminal matters that may have civil implications for the County**