



**Keith Johnson**  
County Administrator

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

**BRAD PECK**  
District 1

**ROCKY MULLEN**  
District 2

**CLINT DIDIER**  
District 3

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**AGENDA**  
**SPECIAL MEETING**  
**Thursday September 23, 2021**

*Franklin County Courthouse, Commissioners' Meeting Room*  
1016 North Fourth Avenue, Pasco, Washington

This is a preliminary agenda. Discussion items may be added, deleted or modified. Public Hearings will not start earlier than the advertised time. Other agenda times are approximate and provided to aid in planning.

Please follow our Franklin County website link to join us via AV Capture Live Stream.  
<https://www.co.franklin.wa.us/commissioners/meeting.php>

Mask requirement for ALL individuals is in effect

**9:00 a.m. Call to Order and Pledge of Allegiance**

**9:01 a.m. Legal Strategy on Redistricting**

*Consideration of Civil Rule 59 (a) 1 and 9; Motion for  
Vacation of Order in Redistricting Lawsuit Case no. 21-2-50210-11.*

**Executive Session- if needed**

RCW 42.30.110 (1) (i) to discuss with legal counsel: litigation or potential litigation.

**10:00 a.m. Adjourn**



## FRANKLIN COUNTY, WASHINGTON BOARD OF COMMISSIONERS

SPECIAL MEETING  
SEPTEMBER 23, 2021

The Minutes of the Board of Commissioners proceedings are not verbatim. Access to an electronic audio recording of meetings are available on the Franklin County website or upon request.

9:01 a.m. Commissioner Didier recessed the meeting until 9:10 a.m. to allow time for Legal Counsel to join the meeting.

9:10 a.m.

### **Call to Order and Pledge of Allegiance**

Commission Chairman Clint Didier called the Franklin County Commissioners' Special Meeting to order at 9:00 a.m., in the Commissioners' Meeting Room in the Franklin County Courthouse located at 1016 North Fourth Avenue, Pasco, Washington.

**Commissioners Present:** Commission Chair Clint Didier, Chair Pro Tem Rocky Mullen and Member Brad Peck

### **Commissioner Didier read the following statement;**

*Statement submitted to Franklin County Board of Commissioners Pasco, WA. September 23, 2021. Statement submitted to the Franklin County Board of Commissioners for approval concerning the need for a resolution directing Franklin County Prosecuting Attorney, Mr. Shawn Sant, to abide by the will of the Board. This Special Meeting was called because we have no alternative. We are here to vote publicly.*

*First on a resolution, directing the Prosecuting Attorney Mr. Shawn Sant under Civil Rule 59 (a) 1 and 9 to abide by the will of the Board, and to vacate any actions, orders, filings, in the case the professes Franklin County's guilt, in the matter of the redistricting lawsuit, filed by the UCLA Voting Rights Project. Such action needs to be performed today September 23, 2021 before 4:00 p.m. (PDT) before the ten-day grace period expires to file a motion to reconsider.*

Commissioner Didier looked for a motion on resolution 2021-210.

Commissioner Peck would like to speak for the record. The introductory remarks were your own (Commissioner Didier) and do not represent my views. You use the term "we" and I won't speak for Commissioner Mullen. The Agenda before me is not the one presented when this meeting was first scheduled, I would like a minute to look at it and compare it to the original. After reviewing the documents that were sent to Commissioner Peck via email. He did not wish to hold up the meeting.

### **❖ Commissioner Didier moved to approve Resolution 2021-210.**

Prosecuting Attorney Shawn Sant asked to speak to the motion since it addressed the Prosecuting Attorney. He asked the Board to hold the motion until an Executive Session took place due to pending litigation. He had no problem with proceeding with the motion after the Executive Session if the Board so desired.



## FRANKLIN COUNTY, WASHINGTON BOARD OF COMMISSIONERS

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SEPTEMBER 23, 2021

9:16 a.m. Commissioner Peck requested an Executive Session under RCW 42.30.110 (1) (i) to discuss with legal counsel: litigation or potential litigation, as requested by the Prosecuting Attorney for up to 30 minutes.

Commissioner Mullen seconded the motion to go into Executive Session.

9:17 a.m. ***Commissioner Didier recessed into executive session under RCW 42.30.110 (1) (i) for up to 30 minutes.*** Those participating are Commissioner Didier, Commissioner Mullen, Commissioner Peck, County Administrator Keith, Prosecuting Attorney Shawn Sant and Clerk of the Board Karin Milham.

9:49 a.m. ***Commissioner Didier reconvened the regular meeting to extend and recess into Executive Session for an additional five minutes under the same RCW.***

9:56 a.m. ***Commissioner Didier reconvened the regular meeting to extend and recess into Executive Session for an additional 30 minutes under the same RCW.***

10:26 a.m. ***Commissioner Didier reconvened the regular meeting to extend and recess into Executive Session for an additional five minutes under the same RCW.***

10:32 a.m. ***Commissioner Didier reconvened the regular meeting with no action taken.***

- ❖ ***Commissioner Didier withdrew his motion on Franklin County resolution 2021-210 and he made a new motion to adopt Franklin County resolution 2021-210 with the addition after Civil Rule 59 (a) 1 and 9, to add Civil Rule 60 b. Vacation of Order in Redistricting Lawsuit Case 21-2-50210-11. Commissioner Mullen seconded. The motion carried 2:1 with Commissioner Peck opposed.***

Commissioner Didier read the following statement.

Secondly to vote on this statement.

*This action is required because our legal counsel entered a “guilty” plea contrary to the explicit direction. In explanation, long discussions in closed-door, executive sessions, gave clear direction to Mr. Sant of our innocence in this matter and expressed the Board’s desire to defend ourselves. However, Mr. Sant disagreed with our direction and advised a guilty plea would be best for the county. Ultimately, he refused to act on our desire to enter an innocent plea and mount a defense. Mr. Sant then acted without Board authority, and declared our guilt to the Court and requested Summary Judgement. The Board was shocked to learn of this action through a local media release. At a meeting on 9/14/2021, the Board tried to redirect Mr. Sant but he ignored the will and a vote by the Board. Acting without the Board authorization represents a blow to the foundational elements at the heart of our system of justice and legal representation. There was never any suggestion by Mr. Sant of a public vote concerning this case as is appropriate in public lawsuits.*



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

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**SEPTEMBER 23, 2021**

*To Summarize: Our Prosecuting Attorney has declared our guilt, entered that position with the Court and announced it to the public, all without Authority of the Board. This meeting is to reverse the guilty pleas, declare our innocence and establish a defense that supports our case.*

*This statement was distributed to Board members prior to the meeting and was read by Commissioner Chairman Didier during the meeting. A vote was held to approve its content.*

*Commissioner Peck called for a Point of order on the specific topic Consideration of Civil Rule 59 (a) 1 and 9. Stating that the motion is outside this definition. Motion is out of order and should not be considered.*

- ❖ *Commissioner Didier moved to approve this statement. Commissioner Mullen seconded for discussion. Commissioner Peck believed the statement to be inaccurate, incomplete, biased, and prejudicial. Commissioner Didier voted aye, Commissioner Peck voted nay and Commissioner Mullen abstained. The motion failed.*

10:40 a.m. Prosecuting Attorney Shawn Sant discussed the process of moving forward with Benton County Prosecuting Attorney Andy Miller. At this point, we may need to appoint a special Attorney and Deputy Attorney to represent the Board for the limited purpose of addressing the resolution that was passed. Mr. Sant will facilitate this action.

Mr. Sant suggested adding Civil Rule 60 (b) to the resolution, so the limited time restraint that Civil Rule 59 (a) 1 and 9 states, would give all involved more time.

He requested a declaration from Commissioner Didier and Commissioner Mullen as soon as possible today. Mr. Sant must submit it by 4 o'clock today.

**Adjourn**

With no further business to bring before the Board, the meeting adjourned at 10:49 a.m.

  
Chair

  
Clerk of the Board

10-19-2021  
Date