

Meeting with Restorical Research

March 13, 2019

3:05 p.m.

Present: Commissioner Jackson, Commissioner Fund, Cullen Gatten, Wayne Whiton, Becky Butler, Suzette Smith, Ben Pariser of Restorical Research, attorney Matt Cockrell of Matthew Cockrell & Associates, Commissioner Stamper (3:26 p.m.), County Manager Erik Martin (3:28 p.m.)

Recorder: Rieva Lester

Consultant Ben Pariser of Restorical Research and attorney Matt Cockrell of Matthew Cockrell & Associates introduced themselves and reviewed their backgrounds.

Ben noted that Paulette Young hired Restorical Research – and Matt Cockrell – to locate and review the county's insurance policies.

Ben discussed the creation of the Environmental Protection Act and the Department of Ecology as well as pollution exclusion language insurance companies added in the 1970s.

Matt said there is no insurance coverage for pollution except in one narrow exception: if it's sudden and accidental. He discussed the nuances of coverage related to underground tanks that are leaking slowly.

Commissioner Stamper joined at 3:26 p.m.

Ben said most insurance policies used "absolute pollution" exclusions beginning in 1985.

Erik Martin joined at 3:28 p.m.

Matt clarified that Restorical Research and his firm are reviewing policies for environmental losses prior to 1986. He said there is no statute of limitations and that the policies that cover pollution may be ongoing and present.

Matt discussed groundwater pollution linked to Lewis County's Central Shop.

Ben and Matt said the pre-1985 policies can be used to fund remediation of county-owned properties, such as highways, roads, etc.

Ben said Restorical Research and Matt's firms have done work for the City of Olympia and the Edmonds School District, among others.

At 3:45 p.m., Commissioner Jackson announced that the Board was going into Executive Session under RCW 42.30.110(1)(i)(iii) for 20 minutes to discuss settlement negotiations.

At 4:05 p.m., the Board extended Executive Session for 5 minutes.

At 4:10 p.m., the Board extended Executive Session for 10 minutes.

At 4:20 p.m., the Board extended Executive Session for 5 minutes.

Executive Session ended at 4:25 p.m. with Erik, Commissioner Fund, Commissioner Jackson, Matt, Ben, Cullen, Becky and Wayne in attendance. No decisions were made.

The group discussed designating a point person for discussions and further discussing the Restorical Research proposal.

Meeting adjourned at 4:30 p.m.