

MINUTES

BOARD OF COMMISSIONERS – GRAYS HARBOR COUNTY SPECIAL MEETING

December 29, 2008

The Commissioners met in regular session in the Commissioners' Meeting Room, Administration Building, Montesano, Washington, on Monday, December 29, 2008, at 2:00 p.m. Commissioners Al Carter, Mike Wilson and Bob Beerbower were present. Jim Baker, Senior Deputy Prosecuting Attorney, and Donna Caton, Clerk of the Board, were also present.

CALL TO ORDER AND FLAG SALUTE

ANNOUNCEMENT: Due to inclement weather and closure of most county offices, the regular Board meeting agenda and scheduled hearings for December 22, 2008, were continued to this special meeting, December 29, 2008.

Commissioner Carter called the meeting to order with the pledge of allegiance.

MINUTES

1. **Regular Meeting December 15, 2008:** A motion was made, seconded and passed to approve the minutes of the regular meeting of December 15, 2008.

BIDS

1. **Indigent Defense Contracts:** Prosecutor Stew Menefee reported the bids received for the 2009 Indigent Defense Contracts. Bids were accepted for a total of nine contracts. Six of these contracts are for District Court Indigent Defense for which nine applications were received and reviewed by the District Court Judges. The Judges recommended the six contracts for 300 cases each at \$2,938.53 per month be awarded to Attorneys Kyle Imler, Harold Karlsvik, Amanda Kleespie, Robert Ehrhardt, Pamela Hartman and Brett Colacurcio. Each of these attorneys has previously held District Court contracts. In regards to three Juvenile Defense contracts, seven applications were received. The Superior Court Judges recommended the Board award the Juvenile Defense contract for \$4,500 per month to Kyle Imler, who has held this contract for a number of years. The Judges recommended the Juvenile Defense Conflict contract, a limited contract to cover 150 cases at a flat monthly fee of \$1,000 per month where Mr. Imler may have a conflict, be awarded to Amanda Kleespie. The Judges also recommended that the Guardian Ad Litem contract at \$5,000 per month be awarded to Pamela Hartman, who has previous Superior Court experience with the contract.

ACTION: A motion was made, seconded and passed to approve the recommendations set forth by the Superior and District Court Judges for

assignment of the 2009 Indigent Defense Contracts.

HEARINGS

1. Petition to Vacate Right-of-Way, Applicant Terry Graham, DBA Calder Ridge LLC: There was a public hearing to consider a petition by Terry Graham, DBA Calder Ridge LLC, to vacate pursuant to RCW 36.87.020, all that portion of unopened J. E. Calder Road right-of-way lying within parcel number 180628420000. Notice of this hearing was advertised in the *Montesano Vidette* December 11 & 18, 2008. Chairman Carter asked for a staff report. Paul Easter, Public Services Director, reported that the applicant has petitioned to vacate a right-of-way that runs through his property. Mr. Easter stated that the county sees no reason that the request should not be granted as there is no foreseeable public need for the right-of-way. Chairman Carter asked if the applicant were present. On behalf of the applicant, Mike Daniels, Pacific International Engineering, stated that he is in concurrence with the county staff report and asked that the request be granted.

Chairman Carter asked for public comment. There was no public comment and the hearing was closed.

ACTION: A motion was made, seconded and passed to approve the **Petition to Vacate Right-of-Way by Applicant Terry Graham, DBA Calder Ridge LLC.**

2. Reclassification as Open Space for Real Property Tax Purposes – Applicant Garry & Nancy Dale: There was a public hearing to consider a request by Garry & Nancy Dale for reclassification as Current Use Open Space for real property tax purposes for the Southerly 1,024.3–feet of the South ¼ East of the Wynoochee River West of the County Road Less Tax Lot 3 and Tax Lot 7 less a portion of Tax Lot 5. Notice of this hearing was advertised December 11, 2008, in the *Montesano Vidette*. Correspondence was received from the applicant requesting the hearing be continued to January 26, 2009, in order to accommodate their attendance.

ACTION: A motion was made, seconded and passed to continue this hearing to **January 26, 2009.**

3. Reclassification as Open Space for Real Property Tax Purposes – Applicant William S. Pine: There was a public hearing to consider a request by William S. Pine for reclassification as Current Use Open Space for real property tax purposes for Lot 1 lying South of the Creek less Tax Lot 3 and Tax lot 8 and Tax lot 5 less the public right-of-way and highway and roads. Notice of this hearing was advertised in the *Montesano Vidette* December 11, 2008. Chairman Carter asked for a staff report. Brian Shea, Planning & Building Director, stated that before outlining the request he'd like to make note of information contained in the staff report, Attachment No. 1. Mr. Shea referenced several pages that were erroneously inserted into the hearing materials and should not be

considered part of the record for purposes of this hearing. Mr. Shea reported that this request was reviewed by the Planning & Building Department in terms of the property's zoning district designation, its comprehensive plan designation, and whether or not the land contains prime farmland soils. The subject property has three different zoning district designations including A-2 Long Term Agricultural Use District, G-5 General Development Five-Acre District, and G-1 General Development One-Acre District, with agricultural activities listed as permitted use in each district. Mr. Shea noted for the record that from the comprehensive plan standpoint, the property has two different comprehensive plan designations. The first is Agricultural and the second is Rural Development. The Rural Development designation is reflected in the General One-Acre and General Five-Acre zoning districts. The Agricultural designation is reflected in the A-2 zoning designation.

Mr. Shea stated that based upon the County Code the best use of this property is for agricultural use and agricultural activities. He reported that in terms of the U.S. Department of Agriculture Soil Survey, three soil types listed as Prime Farmland Soils are present in the land related to this request. Mr. Shea stated that based upon the review of the land in terms of the evaluation criteria and RCW 84.34, reclassification of the property as requested would result in a tax shift, and though it does contain ecological and environmental features consistent with the goals of preservation, the Department believes the best use of the property remains as Agriculture in its current designation. In regards to whether or not granting the request would preserve farmland or preserve land with the potential for returning to commercial agriculture, the subject property does not meet the criteria to do so.

Mr. Shea reported that based upon the review as outlined, the Planning & Building Department recommends the Board deny the request for reclassification to Current Use Open Space by Mr. Pine.

Chairman Carter invited the applicant to provide testimony. Mr. Pine stated that he has owned the land for 39 years and for the entirety of his ownership it has been used strictly for agricultural purposes. He stated that he has done everything possible to preserve it for wetlands and has dealt with flooding which has rendered it unusable during the winter. He stated that trees have been planted on every other part of the land but due to flooding in this specific area, they are unable to plant it in entirety. He noted that several years ago, they worked to have it rezoned as forest land but did not intend to plant the flooded area. Mr. Pine explained that they have accommodated fishing access by breaking down their fence and opening their gate at the river to allow enjoyment of the property.

Bill Brown, Commercial Appraiser, explained that the property was originally classified as designated forest land, but upon review it was discovered that sections of the property are in a pasture with cattle grazing on these sections during parts of the year. These activities do not meet the requirements for designated forest land, which required the removal of the property from the designated forest land classification. Mr. Brown stated

that Mr. Pine has indicated that he has a portion of the pasture land but he is not engaged in commercial agriculture. The grazing cattle and pasture land for personal use does not generally fit the activities described for Current Use Open Space.

Chairman Carter asked Mr. Brown to clarify that this property is not subject to a federal Wetland Reserve Program. Mr. Brown responded affirmatively. Commissioner Carter inquired as to how much of the land was in question. Mr. Brown stated that he is generally referring to portions of the land (pasture) directly to the north, across Butler Mill Road, and to the west of Hwy. 12. Commissioner Beerbower commented in regards to these portions currently being under water and his familiarity with the property not being useful for farming. Mr. Brown distributed photographs taken during his review of the property during the summer months. Chairman Carter commented in regards to the informal audit performed by the Washington State Department of Revenue which prompted the recent actions taken by the Assessor's Office to remove properties from improper classifications, and asked that Mr. Brown confirm that that was what had taken place with this property. Mr. Brown responded affirmatively. Chairman Carter asked for clarification regarding the amount of property related to this request. Mr. Brown stated that this request is for 13.75 acres. Chairman Carter inquired as to whether or not the Assessor's Office would have to again remove the property from the Current Use Open Space classification if the Board approved the request. Mr. Brown, responding affirmatively, stated that if the property was personally used for farming related activities, even if they are not commercial farming activities, they would be ineligible for the Current Use Open Space program. Chairman Carter asked if there were any other programs that would work for this property. Mr. Brown stated that there are other conservation type programs that may work for the property, but unless Mr. Pine begins commercially farming on the 13.75 acres, he would not otherwise be eligible for the Current Use Farm and Agriculture.

Mr. Pine stated that to his knowledge, if anyone tried to farm the 13 acres of pasture, it would only prepare the land for further erosion during the next flood. He stated that the most fitting use for the property is keeping it as a greenbelt. Chairman Carter reiterated that because the property related to this request does not fit the requirements of Current Use Open Space, if the Board granted the request the state would likely remove the property from the reclassification, just as the state has now removed the property from its current classification. Chairman Carter stated that he would like to assist Mr. Pine in finding a classification that will work for his property. Mr. Pine reiterated that the property probably would not have been removed from the Designated Forest Land classification had he planted trees, but due to flooding, the planting would have been futile. He stated that he feels he is using the land in the best interest of the citizens and doesn't feel as though he should pay taxes at a rate for building a home on the property when he is unable to do so. Commissioner Beerbower stated that he agrees that the property is not suitable for building homes.

Chairman Carter asked for additional public comment. Steven Friederich, reporter for the Daily World, asked what might happen if the applicant did not use the property as pasture land and committed to keeping the land in pristine condition, and if that would qualify as Current Use Open Space. Instructed by Chairman Carter to answer the question, Mr. Brown stated that if the applicant agreed to those activities and the Board accepted those activities as part of the conditions of approval, it would be acceptable for reclassification. He noted that if Mr. Pine were to resume grazing cattle on the reclassified portions as he had indicated he planned to do so, he would be in violation of the conditions of approval and the Assessor's Office would be forced to remove the property from the Current Use Open Space classification.

Terry Willis, Montesano, inquired as to why this property would not be eligible for the Current Use Open Space Conservation classification. She referenced Mr. Shea's mentioning of the conservation designation being meant for the preservation of agricultural land for future agricultural use, should ownership of the land change. She noted that it has already been determined that the land contains prime farmland soils and asked that an explanation be provided for why the conservation designation wouldn't be appropriate. Mr. Brown reported that the Current Use Open Space Farm Conservation classification is actually a sub-classification of the Current Use Open Space classification and explained that it depends on the use of the property. He noted that when other counties classify land as conservation land they establish time lines for when the land will return to farming and what the activities will be in the interim, much like other conditions of approval which must be agreed to by the applicant. He stated that it could be done for this application.

Commissioner Beerbower commented in regards to federal programs encumbering farmland and altering zoning designations which results in the land not being usable for farming. Mr. Brown noted that the private property owners are approached by the federal government and enter into transactions which do not involve the county. At Chairman Carter's inquiries, Mr. Brown noted that the property owner is required to notify the county within 60 days of a change of use. Mr. Baker indicated that he is not aware of the federal authorities being required to inform the county of these transactions.

Mr. Pine commented in regards to the liability associated with maintaining public access to the property should it be reclassified and stated that he is not willing to take on that responsibility. Chairman Carter inquired as to whether or not Mr. Pine would indeed be required to provide open public access to the property if it were reclassified to conservation. Mr. Baker stated that he believed that per a recreational use statute, liability would only be assumed if the property were developed with constructed improvements. Discussion ensued regarding the option for Mr. Pine to work with the Assessor's Office on other options for reclassification of the property. There was no further public comment.

ACTION: A motion was made, seconded and passed to continue this hearing to

January 12, 2009.

4. Reclassification as Open Space for Real Property Tax Purposes – Applicant, The Confederated Tribes of the Chehalis Reservation: There was a public hearing to consider a request by the Confederated Tribes of the Chehalis Reservation for reclassification as Current Use Open Space for real property tax purposes for the following lots: Tax Lot 10 and the point of Tax Lot 11 lying East of the Slough in Section 28, Township 17, North, Range 5 West; Tax Lot 8 and Tax Lot 9 in Section 28, Township 17 North, Range 5 West; Southwest ¼ of the Southwest ¼ of section 28, Township 17 North, Range 5 West East of the County Road less the Cemetery, together with the Tax Lot 12 and Tax Lot 13 in Section 28, Township 17 North, Range 5 West; North ½ of Tax Lot 3 and the North ½ of Northeast ½ of Northwest ¼ of Section 31, Township 17 North, Range 5 West less the County Road. Notice of this hearing was advertised in the *Montesano Vidette* December 11, 2008.

Chairman Carter asked for a staff report. Brian Shea, Planning & Building Director, reported that this application requests the subject property be reclassified as Current Use Open Space Open Space. The total acreage of the property is approximately 144 acres, with approximately 45 acres related to this request. Mr. Shea stated that as in the previous hearing, this application was reviewed in terms of three different land use designations. The zoning district designation is A-2 Long Term Agriculture and the comprehensive plan designation is agricultural. Staff also reviewed the subject property in terms of the U.S. Department of Agriculture Soil Survey, determining the presence of several prime farmland soils. In regards to RCW 84.34, staff has determined that reclassification of the subject property would result in a tax shift of approximately \$495.00, and would not provide any desired enhancements as outlined in the RCW. Mr. Shea reported that the highest and best use for the property from a land use standpoint is to remain in agriculture. Based on these factors, staff has recommended the request for reclassification be denied.

Chairman Carter asked for public comment. Harry Chesnin, Attorney for the Confederated Tribes of the Chehalis Reservation, reported that the portion of property related to this request consists of wetlands and wetland buffers that are unavailable for use or destruction. He stated that the Tribe has submitted this request in efforts to ensure that the property remains pristine and to preserve the wetland areas. Mr. Chesnin stated that though the overall zoning of the area is agricultural, it would be difficult to consider the related property as such due to its wetland nature and the resulting buffers.

Chairman Carter and Commissioner Beerbower clarified that this request is related to 45.16 acres, not the entire property. Mr. Chesnin confirmed that the request is only for those areas associated with the wetlands and their associated buffers and not any other areas.

Bill Brown, Commercial Appraiser, reported that this property was removed from the

Current Use Farm and Agriculture classification when the 2008 Open Space Agricultural Statement of Productivity was received by the Assessor's Office. This statement indicated that only 90 acres were being used for commercial agricultural activities in the form of haying. He stated that upon review of the property, the Assessor's Office determined that 99.14 acres were being used for these activities. He agreed that some of the acreage that was removed from the classification could be considered wetlands, but other portions being removed are those with structures or other features that are not eligible for the classification.

Chairman Carter and Mr. Brown discussed which areas were being used for activities that would qualify for reclassification. Chairman Carter indicated that he believed the requested 45 acres may need to be reduced to include only those portions which qualify for reclassification. Mr. Chesnin stated that there may be a discrepancy in the calculation of the area but the Tribe agrees that the buildings and agricultural areas being used for hay are not intended to be included in this request for reclassification and only intends for the wetlands and surrounding buffer areas to be reclassified. Mr. Chesnin stated that he would be willing to meet with staff to determine the exact amount of acreage to be reclassified.

Mr. Shea stated that he wanted to clarify that Grays Harbor County does not have mandated wetland buffers, and many wetland areas are in fact used for farming activities. Chairman Carter asked for additional public comment. Paul Easter, Director of Public Services, suggested that county staff and Tribal authorities meet to determine the exact amount of acreage that is eligible for reclassification.

ACTION: A motion was made, seconded and passed to approve the request for reclassification to Current Use Open Space for Real Property Tax Purposes by the Confederated Tribes of the Chehalis Reservation with the condition that County staff and Tribal authorities determine the exact amount of acreage to be reclassified.

5. Resolution for Emergency Appropriation – Auditors Office: There was a public hearing to consider Emergency Appropriation in the Auditor's Office Fund Number 001-000-011, in the amount of \$120,000. Notice of this hearing was advertised in the *Montesano Vidette* December 11, 2008. Chairman Carter asked for a staff report. Rose Elway, Budget Director, reported that this request has been revised to a reduced amount of \$100,000, and an amended Resolution has been prepared and submitted. She explained that during each Presidential Election year, the county is responsible for the state's portion of the cost for the election. This Resolution would transfer funds from Advanced Expenditures to the Auditor's Fund for payment of the election costs. Vern Spatz, Auditor, stated that the basic principle of running elections is that the county accumulates the cost and those costs are charged out to the participating districts, which works well during the odd numbered years. In the even numbered years, the state runs their offices' elections but has exempted themselves from participating in the cost sharing

mechanism. In the general election alone, the state's share would have been \$76,000, but this amount is paid for by the county.

Commissioner Beerbower commented regarding the state's mandates and self-exemptions. Chairman Carter asked for public comment. There was no public comment and the hearing was closed.

ACTION: A motion was made, seconded and passed to approve Resolution No. 2008-156, Authorizing an Emergency Appropriation in the Budget of the Grays Harbor County General Fund Auditor's Office #001-000-011.

6. **Resolution for Emergency Appropriation – Superior Court:** There was a public hearing to consider Emergency Appropriation in the Superior Court Fund Number 001-000-033, in the amount of \$97,700. Notice of this hearing was advertised in the *Montesano Vidette* December 11, 2008. Chairman Carter asked for a staff report. Rose Elway, Budget Director, distributed a 21-year outline of the costs associated with indigent defense contracts for Grays Harbor County. She reported that this unfunded state mandate has now exceeded \$1 million. Ms. Elway stated that she has been tracking these costs since 1989 when the state provided the county with an additional mechanism of funding criminal justice costs. The indigent defense costs have been calculated against those criminal justice costs. In 1989 the indigent defense cost for all courts was \$319,000. At present, \$909,000 has been budgeted. With approval of this Emergency Appropriation, the cost will exceed \$1 million for indigent defense contracts.

Chairman Carter asked for public comment. There was no public comment and the hearing was closed.

ACTION: A motion was made, seconded and passed to approve Resolution No. 2008-157, Authorizing an Emergency Appropriation in the Budget of the Grays Harbor County General Fund Superior Court #001-000-033.

7. **Resolution for Emergency Appropriation – Fair:** There was a public hearing to consider Emergency Appropriation in the Fair Fund Number 103-000-000, in the amount of \$20,092. Notice of this hearing was advertised in the *Montesano Vidette* December 11 & 18, 2008. Chairman Carter asked for a staff report. Rose Elway, Budget Director, reported that request is to cover salaries and benefits for the month of December. Funds are available from the Stadium Fund to support the additional funding. Chairman Carter asked for public comment. There was no public comment and the hearing was closed.

ACTION: A motion was made, seconded and passed to approve Resolution No. 2008-158, Authorizing an Emergency Appropriation in the Budget of the Grays Harbor County Fair Fund #103-000-000.

CONVENE AS DRAINAGE DISTRICT 2

The Board of County Commissioners recessed and convened as Commissioners for Drainage District 2. The Board of Commissioners for Drainage District 2 considered the following:

1. 2009 Assessment Roll: There was a public hearing to consider adoption of the Grays Harbor County Drainage District 2 Assessment Roll for collection in 2009 pursuant to RCW 85.32.060. Copies of the proposed 2009 Annual Assessment Roll were available for study in the office of the Grays Harbor County Commissioners, 100 W. Broadway, Suite 1, Montesano, WA. Notice of this hearing was advertised in the *Montesano Vidette* November 27, December 4 and 11, 2008. The Assessment Roll has been calculated by Grays Harbor County Treasurer Ron Strabbing, and allocated for a total of \$2,000 in the year 2009.

Chairman Carter asked for public comment. *Randall Brumfield, Montesano*, made comments regarding the digging of the drainage ditch and its dimensions being more like a pond on 60 acres. He stated that there is a lot of work to be done and asked that maintenance be performed to alleviate year-round flooding. He commented that \$2,000 is not enough money to do the needed work.

Janie Brumfield, Montesano, made comments regarding how the field containing the drainage ditch has changed since she moved near the property in 1953. She stated that minimal work has been done over the years but at some point in either the late sixties or early seventies, the ditch was dug dangerously deep. She noted that since that digging occurred, the field went from experiencing occasional flooding to continuously being covered in water due to its not being able to drain properly. She stated that though the 2009 Assessment Roll would not provide enough funds to do the needed maintenance, the taxes collected over the years should provide enough funds to perform needed work.

Carol Boyer, Montesano, referenced correspondence sent to the Commissioners and made comments regarding living along the drainage district since 1983 and no work or maintenance being performed on the ditch during that time. She stated that the ditch running along her property is clogged with grass and does not flow and she feels it needs attention. She stated that work was done approximately five years ago which improved the flow of the water to a bird sanctuary which was created, but this worsened the flow on other areas of the ditch. She stated that she is not opposed to paying taxes for the district but would like to see those funds used to perform scheduled maintenance to the ditch.

Chairman Carter inquired as to funds used to perform work on the ditch in recent years and what sections received the work. Paul Easter, Director of Public Services, stated that the work did not cover the entire ditch and that he recalled having approximately \$10,000 to work with. He stated that the limited amount of funds hampered their efforts to decrease the steepness of the sides of the ditch. Their main efforts included trying to

remove barriers such as a collapsed culvert and beaver dams, but there were some areas that they were unable to get to. He stated that these efforts were concentrated where the largest amount of improvement was possible for the least amount of cost. He commented in regards to the gradual accrual of funds needed to make improvements. Mr. Easter recommended that the Board hold a meeting for the district property owners to assess and prioritize the work that needs to be done and to discuss the funds required for that work.

Dick Jacobs, Montesano, made comments regarding the extensive drainage district program which took place last year in the Brady bottoms. He is an owner of Greenhead Farms and since this project did little to alleviate flow issues around his property, he paid \$4,000 of his own funds towards improvement efforts. He stated that he feels the collected funds should be appropriated in terms of the amount of property owned by each contributor.

Chairman Carter asked for additional comment. Commissioner Wilson stated that there are two issues at hand which include deciding whether or not the 2009 Assessment Roll should be adopted, and whether or not the Board of County Commissioners wishes to remain serving as the Commissioners for the Drainage District. He suggested approval of the Assessment Roll and that a meeting is scheduled for the property owners to determine the allocation of funds.

Mr. Jacobs made further comment regarding canary grass in the ditch and asked that the ditch be sprayed. He feels that the ditch need only be maintained every four to five years if the spraying occurs at a scheduled rate.

Mr. Brumfield made further comments regarding the depth of the canary grass where he has previously fallen in the ditch, and the legalities of spraying chemicals near bodies of water. He suggested creating a ditch that can be mowed in the summertime to maintain the flow of the water.

Mrs. Brumfield made further comments regarding the ditch drying out in the summertime and many property owners not benefiting from the most recent work done to the ditch. She addressed the need to rectify the digging done approximately 45 years ago which she feels was very detrimental. She addressed Mr. Jacobs' comments and stated that she feels that regardless of the amount of land owned by each property owner, they should all benefit from maintenance to the drainage ditch.

There was no further comment and the hearing was closed. Chairman Carter reiterated that the immediate issue before the Board is adoption of the Assessment Roll. He stated that in addition, all Drainage District 2 property owners need to collaborate to address the needs of the District. He suggested a night meeting be scheduled to facilitate those efforts and to hold a discussion regarding the commissioner positions going back to the citizens of the District.

ACTION: A motion was made, seconded and passed to approve Resolution No. 2008-03, Adopting the 2009 Assessment Roll for Grays Harbor County Drainage District 2.

Commissioner Beerbower urged the citizens of the District to be involved in the meeting to make sure that each property owner is represented and to regain their ability to serve as commissioners. He cautioned that it will continue to be costly to make the improvements that are needed but that it's important to do so.

The Commissioners adjourned the meeting of Grays Harbor County Drainage District 2 and reconvened as Board of County Commissioners.

COMMISSIONERS

1. **Appointment to Planning Commission, District 2, Position 2:** A motion was made, seconded and passed to appoint Alan E. Gozart to the Planning Commission to fill an unexpired term for District 2, Position 2, ending December 31, 2011.
2. **Resolution Amending Resolutions No. 2008-132, No. 2008-147, No. 2008-154 – 2008 Tax Levy for Year 2009 Collections:** A motion was made, seconded and passed to approve **Resolution No. 2008-159, Amending 2008 Tax Levy for Year 2009 Collections.** This amendment was needed due to Fire Districts 11 and 14 having submitted additional or amended requests after the adoption of Resolution Nos. 2008-132, 2008-147 and 2008-154.
3. **Authorize Chairman to sign contract with International Code Council upon receipt of original:** A motion was made, seconded and passed to authorize the Chairman to sign an agreement with the International Code Council (ICC) upon receipt of the contract documents. The ICC will perform an administrative and operational review of the County's Department of Public Services, Planning and Building Division. Commissioner Beerbower opposed the motion to approve the contract, stating that his opposition was in regards to the ICC performing the review, not the review itself. Chairman Carter stated that he believed the ICC would conduct an unbiased audit at the direction of the Commissioners.
4. **Resolution establishing public defender standards:** A motion was made, seconded and passed to approve **Resolution No. 2008-160, Adopting Standards for Delivery of Public Defender Services Consistent with RCW 10.101.030 and the Washington Defender Association Standards for Public Defense Services.** This resolution has been reviewed and approved by the Grays Harbor County Superior Court and District Court Judges as well as the Office of the Prosecuting Attorney. The Clerk of the Board read for the record a letter outlining the Resolution.

***The Clerk of the Board announced the following item had been added after the agenda had been prepared:

5. Local Declaration of Emergency - Resolution: A motion was made, seconded and passed to approve **Resolution No. 2008-161, Local Declaration of Emergency in Grays Harbor County.** This resolution is in regards to the weather events beginning on or about December 12, 2008. A series of snow storms has caused damage to public property, damage to private property, downed trees, and has affected the ability of citizens to travel within Grays Harbor County.

DEPARTMENTS

FORESTRY

1. Request Approval, Authorization to extend completion dates for contracts: A motion was made, seconded and passed to extend completion dates for the following contracts:

<u>Sale</u>	<u>Purchaser</u>	<u>Extended Completion Date</u>
E Line #1, TBR0705	Sierra Pacific Industries	07-31-09
Donkey Creek #1, TBR 0704	Sierra Pacific Industries	09-30-09
Raney Creek #6, TBR0812	Chehalis Valley Timber	07-31-09
3400/E. Fork Salvage	Norris Logging Co.	09-30-09

Due to current log market conditions, the county is unable to dispose of any pulp logs. All pulp buyers in the area have ceased operations until early 2009, at the earliest. Currently the county is decking the pulp logs in the woods until such time as the market reopens. As a result, the completion dates of the above contracts must be extended in order to provide adequate time to remove the pulp logs.

MANAGEMENT SERVICES

1. Request Approval, 2009 Municipal Services Agreement with Grays Harbor County Economic Development Council: A motion was made, seconded and passed to approve the 2009 Municipal Services Agreement with the Grays Harbor Economic Development Council in the amount of \$13,500. This agreement continues with the EDC providing a comprehensive, cooperative, and planned approach to economic development including government, business, education, labor and others.

2. Request Approval, Resolution Transfer – Stadium Fund: A motion was made, seconded and passed to approve **Resolution No. 2008-162, Transferring Items in the Grays Harbor County Miscellaneous Stadium Fund #112-000-000.** This resolution transfers \$6,000 from Transfer Out – Pavilion Loan, to Transfer Out – Pavilion, to cover salaries and benefits in the fair fund for the remainder of the year.

ORV PARK

- 1. Request Approval, Resolution Amendment updating fee schedule as of January 1, 2009:** A motion was made, seconded and passed to approve **Resolution No. 2008-163, Amending Resolution No. 2006-30 & No. 2006-38, Establishing the 2009 Straddleline ORV Park User Fee Schedule.** After extensive research and due to higher operating costs, the appropriate user fees have increased. The new rates will become effective January 1, 2009.
- 2. Request Approval, Internet Service Contract with Air Access Inc.:** A motion was made, seconded and passed to approve an internet service contract with Air Access Inc. The ORV Park currently lacks a source to access the internet at high speeds. The Park requires access to high speed internet to conduct efficient operations of the park and for access to the State Grant System. This contract will provide a connection to the county and will allow for a website to be administered.

PUBLIC HEALTH & SOCIAL SERVICES

- 1. Request Approval, Amendment No. 1 to the SeaMar State Contract:** A motion was made, seconded and passed to approve Amendment No. 1 to the SeaMar State Contract. This amendment extends current fiscal provisions to June 30, 2009. There is no budget impact.
- 2. Request Approval, Amendment No. 1 to the SeaMar Medicaid Contract:** A motion was made, seconded and passed to approve Amendment No. 1 to the SeaMar Medicaid Contract. This amendment extends current fiscal provisions to September 30, 2009. There is no budget impact.

PUBLIC SERVICES

- 1. Request Approval, Interlocal Agreement for Emergency Bus Mobilization with North Beach School District:** A motion was made, seconded and passed to approve an Interlocal Agreement between the Division of Emergency Management and the North Beach School District for Emergency Bus Mobilization. This agreement may be activated in an emergency or disaster for evacuation of citizens.
- 2. Request Approval, Reassignment of contract Re: North River Rd. Realignment, Wetland Mitigation Effectiveness Monitoring:** A motion was made, seconded and passed to reassign a contract with EnviroVision Corporation to Herrera Environmental Consultants to perform second year wetland effectiveness monitoring for the North River Road Realignment Project completed in 2005. The county had formerly contracted with EnviroVision Corporation on January 7, 2008. EnviroVision Corporation merged with Herrera Environmental Consultants on May 1, 2008. Wetland effectiveness monitoring is required by the Army Corp of Engineers' portion of the County's

Nationwide Permit.

- 3. Request Approval, Reassignment of contract Re: Ocean Beach Rd. Realignment, Wetland Mitigation Effectiveness Monitoring:** A motion was made, seconded and passed to reassign a contract with EnviroVision Corporation to Herrera Environmental Consultants to perform second year wetland effectiveness monitoring for the Ocean Beach Road Realignment Project completed in 2005. The county had formerly contracted with EnviroVision Corporation on January 7, 2008. EnviroVision Corporation merged with Herrera Environmental Consultants on May 1, 2008.
- 4. Request Approval, Preliminary Plat 100 Lot Long Subdivision, Ocean Grove Properties LLC as Recommended by the Planning Commission:** This item was removed from the agenda at the Department's request.
- 5. Request Approval, Personal Service Contract with James Miles Batchelder for Program Assistant for the Washington Coast Sustainable Salmon Partnership:** A motion was made, seconded and passed to approve a Personal Services Agreement with James Miles Batchelder. Mr. Batchelder will serve as the Program Assistant for the Washington Coast Sustainable Salmon Partnership. The funds secured through a grant contract between the Resource and Conservation Office and Grays Harbor County will cover the expenses incurred.
- 6. Request Approval, Contract Amendment with Lawhead Architects PS – Union Gospel Mission improvements:** A motion was made, seconded and passed to approve a contract amendment with Lawhead Architects PS. This amendment expands the scope of basic services to include Phase 2 of the Union Gospel Mission's facility improvements project. Expenses incurred by this amendment will be reimbursed to the County through the Union Gospel Mission. The Union Gospel Mission staff has reviewed and approved the scope of work.
- 7. Request Approval, 2009 Public Works and 2009 Public Services Organizational Charts:** A motion was made, seconded and passed to adopt and authorize the Chairman to sign the 2009 Public Works and Public Services organizational charts as presented by the Departments.
- 8. Request Approval, Transfer of public roads to the Confederated Tribes of the Chehalis Reservation:** A motion was made, seconded and passed to approve **Resolution No. 2008-164, Authorizing the transfer of the portions of Howanut Road, Anderson Road, Pearson Road and Salmon Road within the boundaries of the reservation to the Confederate Tribes of the Chehalis Reservation.** The Confederated Tribes of the Chehalis Reservation has requested that the County transfer the County right-of-way and easements for the aforementioned roads. This Resolution authorizes the Public Services Department to process deeds transferring the portions of these roads located on the reservation to the Confederated Tribes of the Chehalis Reservation. This

action limits the County's future liability by removing 5 miles of road and 6 bridges from the County road system.

9. Request Approval, Set Bid Date – Purchase of Vehicles: A motion was made, seconded and passed to authorize the Public Services Department to advertise January 26, 2009, as the date and time for a bid opening date for the following vehicles: Three (3) Police Pursuit Vehicles, one (1) 15 passenger maxi van, and one (1) full size police utility vehicle.

10. Request Approval, contract extension for Grays Harbor County Bridge Replacements: A motion was made, seconded and passed to authorize the Chairman to sign Supplemental Agreement Number 3 with Sargent Engineers, Inc. This agreement extends the contract for County bridge replacements to December 31, 2009.

SHERIFF

1. Request Approval, Addendum to an Agreement with Susan Bradbury, County Traffic Safety Coordinator: A motion was made, seconded and passed to approve an addendum to an agreement with Susan Bradbury, the County's Traffic Safety Coordinator. Ms. Bradbury has received a grant from the Washington Traffic Safety Commission that will compensate her for work done on a new project for car seat demonstrations. This grant is for work above and beyond her normal duties as Traffic Safety Coordinator.

WSU/EXTENSION

1. Request Approval, 2009 Memorandum of Agreement with WSU Extension: A motion was made, seconded and passed to approve the 2009 Memorandum of Agreement with the Washington State University Extension. This Memorandum provides amounts of salaries and benefits for staff in the amount of \$157,286, and operations support in the amount of \$41,590. The amounts specified are consistent with those provided for by the certified 2009 Budget, and are in continuation of agreements from previous years.

ANNOUNCEMENTS

None

CORRESPONDENCE

None

PUBLIC COMMENT

Chairman Carter asked for public comment. He announced that comments and statements would be accepted and would be limited to five minutes. Questions should be submitted in writing.

Mike Daniels, Lacey, made comments regarding being in attendance at Commissioner Beerbower's first public meeting and also attending today, his last meeting as Commissioner. He congratulated him on his retirement and thanked him for his many years of service.

Chairman Carter thanked Commissioner Beerbower for his service and thanked the public for his time as Chairman.

STAFF MEETINGS

The Board held staff meetings on Monday, December 29, 2008, beginning at 9:00 a.m. These staff meetings are advertised public meetings held in the Commissioners' Conference Room. The Commissioners and Clerk of the Board reviewed calendars and pending daily office issues. The Board met with Mike Whelan, Sheriff, regarding corrections staffing and mileage rates; Don Smith, Forestry, regarding an agenda item; Joan Brewster, Public Health & Social Services, regarding agenda items; Paul Easter, Public Services Director, regarding agenda items, road and bridge projects and personnel updates; Kevin Varness, regarding agenda items, facility/utility project updates; Brian Shea, regarding hearings and Planning/Building updates; Russ Esses, regarding agenda items. Notes of these meetings are available upon request.

The Board approved the following:

RESOLUTIONS

- | | |
|---------------------|--|
| No. 2008-156 | Authorizing Emergency Appropriation in the Budget of the Grays Harbor County General Fund Auditor's Office
#001-000-011 |
| No. 2008-157 | Authorizing Emergency Appropriation in the Budget of the Grays Harbor County General Fund Superior Court
#001-000-033 |
| No. 2008-158 | Authorizing Emergency Appropriation in the Budget of the Grays Harbor County Fair Fund #103-000-000 |

The meeting adjourned at 3:55 p.m.

BOARD OF COMMISSIONERS
For Grays Harbor County
This _____ day of _____, 2009

MIKE WILSON, Chairman
Commissioner, District 2

ALBERT A. CARTER, Commissioner, District 3

ATTEST:

Donna Caton
Clerk of the Board