

MINUTES

BOARD OF COMMISSIONERS – GRAYS HARBOR COUNTY REGULAR MEETING

December 19, 2011

The Commissioners met in regular session in the Commissioners' Meeting Room, Administration Building, Montesano, Washington, on Monday, December 19, 2011, at 2:00 p.m. Commissioners Terry Willis, Mike Wilson and Herb Welch were present. Donna McCallum, Clerk of the Board, and James Baker, Senior Deputy Prosecuting Attorney, were also present.

CALL TO ORDER AND FLAG SALUTE

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

BIDS:

1. **Decision on 2012 Juvenile Guardian Ad Litem Contract:** The bids and contracts were approved on December 12, 2011 to the individuals recommended for the District Court Contract, Juvenile Conflict and Juvenile Indigent Defense, with the exception of the decision on the Juvenile Guardian Ad Litem contract. This decision was postponed to December 19, 2011. Stew Menefee reported bids for Juvenile Guardian Ad Litem contract were received from Tamara Milligan and Pamela Hartman-Beyer, who shared the contract in 2011. Mr. Menefee consulted with the judges and they would like to see one attorney hold this contract.

ACTION: A motion was made seconded and passed to accept the bid by Pamela Hartman-Beyer for the Juvenile Guardian Ad Litem contract in the amount of \$7,000 per month.

HEARINGS:

1. **Continued Hearing - Appeal of Administrative Decision – Case No. 2011-1217, Filed by Jonni Carville and Tim Crawford:** There was a public hearing on November 21, 2011 to consider an appeal of administrative decision filed by Jonni Carville and Tim Crawford, Case No. 2011-1217. The hearing was continued to today, December 19, 2011. Notice of this hearing was published in *The Montesano Vidette* November 10, 2011 and November 17, 2011. Tim Crawford and Jonni Carville have submitted an application to appeal administrative approval of Planning Division Case 2011-0841, a two-lot large-lot subdivision, pursuant to Grays Harbor County Code Title 16.39.090. The subdivision is proposed west of West Satsop Road at 733 West Satsop Road. The property is further described as having Assessor Parcel No.180710340020, located within the southeast quarter of the southwest quarter of Section 10, Township 18 N., Range 7 W. W.M., Grays Harbor County, Washington. Chairman Willis called for a staff report.

Lee Napier, Interim Planning Director, stated the appellants have requested the hearing be continued to January 23, 2012 so they can attend. She requested the staff report be deferred to the later hearing date.

Ms. Napier read a letter received from Tim and Kellie Walker regarding the appeal.

Commissioner Willis called for public comment.

There were no public comments. She called for the hearing to be left open for a staff report, participation by the appellants and public comment at the January 23, 2012 meeting.

ACTION: A motion was made, seconded and passed to continue the hearing to January 23, 2012 as requested by the appellants.

2. Hearing: Ordinance Amending Ordinance No. 392 and No. 393 and County Code 18.02 and 18.06 regarding Critical Areas Protection: There was a public hearing on December 19, 2011 to consider an ordinance amending Ordinance No. 392 and Ordinance No. 393 and County Code 18.02 and 18.06. The changes in the document amend Section 18.02.010 of the County Code to define the environmental designation for noise abatement (“EDNA”) and “Fish and Wildlife Habitat Conservation Areas.” The ordinance also amends Chapter 18.06 of the County Code to delete federal, state or county declared emergencies as constituting actions exempt from this chapter and including requirements for post-emergency permitting and potential mitigation. The exemption for essential public facilities provided in Section 18.06.030 is repealed and clarifying text amendments are made to Section 18.06.035 addressing the reasonable use exception. Further clarifying text changes are made to Section 18.06.135. Section 18.06.140 is amended to replace the term “waters” for “streams” in conformance with terms used in WAC 222-16-030. Notice of this hearing was published in *The Montesano Vidette* December 8, 2011. Chairman Willis called for a staff report.

Lee Napier, Interim Planning Director, stated the Ordinance is recommended by the Planning Commission and identifies contentious areas of the previous Ordinance through legal proceedings with Futurewise and Friends of Grays Harbor. She stated this is the first of two tracks looked at by the parties involved. It addresses definitions, emergencies, reasonable use, fencing and noise.

Chairman Willis called for public comment.

Teri Franklin, Elma, provided a handout and expressed opposition to the wetland buffers and forestry exemptions.

Ron Armstrong, Hoquiam, expressed concern regarding wetland classifications.

Lee Napier, Interim Planning Director, stated it might be helpful to walk through the process undertaken to amend the ordinance. She outlined the public process and the legal proceedings. The proposed changes were discussed with all concerned parties, the Planning Commission and Board of Adjustment. A public work session was held and the draft ordinance distributed to interested parties, advertised and placed on the website. The exception provision will make it easier to react in emergencies. She went over the changes regarding fencing, noise, definitions, water types and involvement of Fish and Wildlife Habitat Conservation.

Ms. Napier read an email dated December 9, 2011 from Katie Knight, Fish and Wildlife and a letter dated December 16, 2011 from Tim Trohimovich, Futurewise commenting on the amendments to the draft Ordinance changes. She explained the stipulated order sets forth two tracks, of which Track 1 must be approved by the end of January 2012. Track 2 changes are being worked through the same process and will be before the Planning Commission in May, 2012.

Dan Wood, Montesano, commented on Category II wetland requirements related to pesticides, stating noxious weeds are a concern within the setback areas. He expressed concern that Fish and Wildlife is the agency that lists priority specie habitats and the reference should be for the list as it exists when the ordinance is approved. Ms. Napier clarified this section is not being changed and is not part of the law suit. Mr. Baker added redundant language can be stricken if made part of the motion.

Teri Franklin, Elma, said maps are intended as a guide and supported the use of best available science.

There was no further public comment and the hearing was closed.

ACTION: A motion was made, seconded and passed to postpone the decision on the Ordinance amendment to January 9, 2012.

3. Hearing: Resolution – proposition to voters that would authorize a sales and use tax at the rate of 0.2%: There was a public hearing on December 19, 2011 to consider whether to submit by resolution of the Grays Harbor County Board of Commissioners (“the Board”) a proposition to voters at a primary election that would authorize sales and use tax at the rate of two-tenths of one percent (0.2%) to be collected throughout Grays Harbor County.

The following summary provides a brief description of the issue and resolution under consideration by the Board:

RCW 82.14.450 authorizes the Grays Harbor County legislative authority to submit a proposition to voters at a primary or general election that would authorize sales and use tax at the rate of up to three-tenths of one percent (0.3%) to be collected throughout Grays Harbor County. The proposed resolution before the Board would provide that such a sales and use tax at the rate of two-tenths of one percent (0.2%) would be an appropriate option for a period of three years to fund retention and maintenance of some public services jeopardized by county budgetary cuts. Under state law one-third of such revenue collected must be used for criminal justice purposes, fire protection services, or both, with the remaining revenue collected used to improve other public services for the citizens of Grays Harbor County. State law further requires the revenue received under this proposal to be shared, with sixty percent (60%) being retained by the County and forty percent (40%) being retained and distributed to the County’s incorporated cities. The resolution under consideration will submit this proposition at the February 14, 2012 primary election where it must be approved by a majority of the persons voting at that election.

Chairman Willis called for public comment.

Bob Torgeson, Aberdeen, opposed the timing of the election, believing it would fail. He said the funds are needed, but there has not been adequate time to work on the details and to clarify how the funds will be used. He stated the proposition is too vague.

Commissioner Welch stated his thought, if approved by the voters, was to be able to remove the levy shift and spread the tax to all citizens in the county. This is an opportunity for voters to decide how to fund services.

Larry Bledsoe said the newspaper make it appear the funds would be exclusive to law enforcement and he now understands some of the funds could be used more generally. He suggested waiting until all the state cuts are known and there has been adequate time to create a plan. He encouraged inclusion of the cities in planning for use of the tax collected.

Sheriff Mike Whelan spoke about the poor state of the economy and stated counties and cities are struggling with the basics of housing, utilities, and food for residents. He said this is the worst time to ask voters for a new tax. He said there needs to be more funding for services, but a plan needs to be made prior to placing a tax option before the voters.

Frank Gordon, Aberdeen, made comments regarding working with the state and using a planning committee.

Ron Armstrong, Hoquiam, was concerned the taxes collected could get swept by the state.

Don Norkoski, Democratic Precinct Committeeman living in Cosmopolis, commented there should be better communication and planning. He called for a vision statement.

There was no further public comment and Chairman Willis closed the hearing at 3:28 p.m.

Commissioner Welch stated he is not a proponent of a tax increase, but wanted the voters to have the choice. The statute outlines how the funds would be distributed. He attempted to get this option on the ballot within thirty days, but understands there may be inadequate time for planning and not enough communication went into the process.

Chairman Willis stated she appreciated the comments received. There has been criticism about communication and she agreed there is not enough time before the February ballot to get information and outreach to the voters. There is also a cost for the election of around \$30,000.

Commissioner Wilson stated this is ill-timed. The levy shift was hard to consider, but the county finances were in crisis. He stated similar measures have not been approved in the past and he is not in support of this proposition.

ACTION: A motion was made, seconded and passed to not approve the Resolution placing a proposition to voters on the ballot for a 0.2% sales and use tax.

4. Hearing: Supplemental Budget, Auditor M&O Fund, \$35,164: There was a public hearing on December 19, 2011 to consider a supplemental budget appropriation in the Auditor M&O Fund in the amount of \$35,164. Notice of this hearing was published in *The Montesano Vidette* December 8, 2011 and December 15, 2011. Chairman Willis called for a staff report. Marilyn Lewis, Budget Director, reported the additional revenue was received from beginning cash

and recording/filing fees and will be used in benefits, small tools and repairs and maintenance. The revenue also reduces the loan payment from \$90,000 to \$45,000.

Chairman Willis called for public comment. There was no public comment. The hearing was closed.

ACTION: A motion was made, seconded and passed to approve Resolution No. 2011-124 authorizing a supplemental appropriation in the budget of the Grays Harbor County Miscellaneous Fund Auditor M&O Fund in the amount \$35,164.

5. **Hearing: Emergency Budget, Prosecutors Office, \$2,500:** There was a public hearing on December 19, 2011 to consider an emergency appropriation in the budget of the Prosecutor's Office in the amount of \$2,500. Notice of this hearing was published in *The Montesano Vidette* December 8, 2011. Chairman Willis called for a staff report. Marilyn Lewis, Budget Director, reported funding is needed to cover unanticipated expert psychologist costs for a criminal case.

Chairman Willis called for public comment. There was no public comment. The hearing was closed.

ACTION: A motion was made, seconded and passed to approve Resolution No. 2011-125 authorizing an emergency appropriation in the budget of the Grays Harbor County General Fund Prosecutor's Office in the amount \$2,500.

6. **Hearing: Emergency Budget – Weed Board, \$7,145:** There was a public hearing on December 19, 2011 to consider an emergency appropriation in the budget of the Weed Board Office in the amount of \$7,145. Notice of this hearing was published in *The Montesano Vidette* December 8, 2011. Chairman Willis called for a staff report. Marilyn Lewis, Budget Director, reported the funding is necessary to cover the payout of vacation for the Weed Coordinator.

Chairman Willis called for public comment. There was no public comment. The hearing was closed.

ACTION: A motion was made, seconded and passed to approve Resolution No. 2011-126 authorizing an emergency appropriation in the budget of the Grays Harbor County General Fund Weed Board in the amount \$7,145.

7. **Hearing: Emergency Budget – Assessor's Office, \$6,000:** There was a public hearing on December 19, 2011 to consider an emergency appropriation in the budget of the Assessor's Office in the amount of \$6,000. Notice of this hearing was published in *The Montesano Vidette* December 8, 2011. Chairman Willis called for a staff report. Marilyn Lewis, Budget Director, reported funding is necessary to cover expenses for the remainder of the year.

Chairman Willis called for public comment. There was no public comment. The hearing was closed.

ACTION: A motion was made, seconded and passed to approve Resolution No. 2011-127 authorizing an emergency appropriation in the budget of the Grays Harbor County General Fund Assessor's Office in the amount \$6,000.

PUBLIC COMMENT

Commissioner Willis called for public comment on county-related items. She announced comments and statements would be accepted and limited to three minutes. Questions should be submitted in writing.

There was no public comment.

CONSENT AGENDA: Approval was requested for the following items:

Minutes: Regular and Morning Meetings – December 12, 2011

Coroner: Monthly Report for November 2011

ACTION: A motion was made, seconded and passed to approve the Consent Agenda as listed above.

COMMISSIONERS

- 1. Teamsters Support Staff Contract for January 1, 2012 to December 31, 2012:** A motion was made, seconded and passed to approve a contract with Teamsters Union Local #252 for the Grays Harbor Sheriff's Office Support Personnel for the 2012 calendar year.
- 2. Office of Public Defense Interagency Agreement:** A motion was made, seconded and passed to approve the Office of Public Defense Interagency Agreement for grant funding to be used in 2012. The projected total disbursement for Grays Harbor County for 2012 is \$72,616 of which this contract covers the first six-month distribution of \$36,308.
- 3. Elect 2012 Chair for the Board of Commissioners:** A motion was made, seconded and passed to elect Terry Willis as Chair of the Board for 2012. Commissioner Wilson commented this has been a difficult year, Commissioners have worked well together and he trusts Commissioner Willis at the helm. Chairman Willis stated the year has been grueling, there is a lot of work ahead of us, and that it takes teamwork accomplish the work.

DEPARTMENTS

FORESTRY

- 1. Request Approval, Contract Completion and release of retainage – Sierra Pacific Industries, Inc. – Grass Creek No. 1:** A motion was made, seconded and passed to accept the contract as complete and release the retainage bond to Sierra Pacific Industries, Inc. for the Grass Creek No. 1 sale.

MANAGEMENT SERVICES

1. **Request Approval, Renewal of Crime Insurance Policy 01/10/12 – 01/10/13:** A motion was made, seconded and passed approve the renewal of the Crime Insurance Policy for January 10, 2012 through January 10, 2013. The policy protects the county against employee theft, depositor's forgery and alteration, theft, disappearance and destruction of money and securities and money orders and counterfeit currency.
2. **Request Approval, Resolution – Budget Transfer, Special Projects:** A motion was made, seconded and passed to approve **Resolution No. 2011-128 transferring items in the Grays Harbor County Miscellaneous Fund Special Projects in the amount of \$49,092.** The transfer is being made within Special Projects to cover a shortage of budget for various projects. Some budget items were projected to be paid in 2010 but instead were not billed until early in 2011. Extra budget is available from Hogan's Corner SRF Loan to transfer to the various line items.
3. **Request Approval, Washington Counties Insurance Pool Interlocal Agreement:** A motion was made, seconded and passed to approve the Interlocal agreement with Washington Counties Insurance Pool for health and welfare benefit coverage for members. The agreement includes changes to bylaws and underwriting guidelines.
4. **Request Approval, Non-Discrimination Agreement with Washington State Department of Transportation:** A motion was made, seconded and passed to approve the non-discrimination agreement with the Washington State Department of Transportation. The original agreement was approved in 2005 and this update is necessary in order to have the signature of the current Board Chairman. This is a Title VI Non-Discrimination Agreement necessary to receive federal funding through the Washington State Department of Transportation. This Agreement assures that no person shall on the grounds of race, color, national origin, or sex, as provided by Title VI of the Civil Rights Act of 1964, and the Civil Rights Restoration Act of 1987, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity.

PUBLIC HEALTH AND SOCIAL SERVICES

1. **Request Approval, Health and Human Services Advisory Board authorization to oversee Intervention, Treatment and Support Funds:** This item was removed from the agenda in order to acquire further information.
2. **Request Approval, Resolution – requesting the use of Intervention, Treatment and Support Funds for various activities within the program:** A motion was made, seconded and passed to approve **Resolution No. 2011-129 transferring items in the Grays Harbor County Miscellaneous Fund Chemical Dependency/Mental Health/Therapeutic Court in the amount of \$330,313.** The funding is being used for the following programs in 2012: Diversion Program Case Manager and associated costs (\$105,000), Medication for jail inmates (\$40,000), Outpatient treatment services (\$67,875), Administration of Diversion Program (\$6,388), Evaluation planning,

reporting and analysis (\$35,000), Syringe Exchange Program (\$74,850), and Advisory Board transfer out (\$1,200). Commissioners emphasized the need to continue the syringe exchange program without a lapse for health and safety reasons.

PUBLIC SERVICES

1. **Request Approval, Supplemental Agreement #2 with KPFF Consulting Engineers – Wishkah Road Cedar Creek Bridge Replacement:** A motion was made, seconded and passed to approve Supplemental Agreements #2 with KPFF Consulting Engineers for the Wishkah Road Cedar Creek Bridge Replacement project. This supplement will provide additional construction support and extend the completion date to December 31, 2012. The additional construction support could not have been predicted and therefore was not budgeted in supplement #1. This Supplemental Agreement adds \$5,000 to the original contract.

2. **Request Approval, Resolution to enroll in the Voluntary Stewardship Program:** A motion was made, seconded and passed to approve **Resolution No. 2011-130, electing to participate in the Voluntary Stewardship Program.** Lee Napier, Interim Planning Director, outlined the process undertaken: On November 7, 2011 the Washington State Association of Counties Director briefed the Board about the program. The following week, (November 14, 2011) the Board directed staff to explore enrollment and confer with the tribes, environmental interest groups, and agricultural interests and present a recommendation by January 22, 2012. Following the Board's direction, staff organized a workshop for the above mentioned interest groups on November 30, 2011. The input and recommendation from this community discussion would support action by the Board of County Commissioners to enroll in the Voluntary Stewardship Program and the Planning Commission recommended approval.

ANNOUNCEMENTS

Clerk of the Board, Donna McCallum stated the next Regular Meeting of the Board of County of Commissioners is January 9, 2012 due to the holiday schedule.

CORRESPONDENCE

Clerk of the Board, Donna McCallum, announced a letter was received from Greater Grays Harbor, Inc. announcing the selection of Commissioner Herb Welch as an inaugural board member.

STAFF MEETINGS

The Board held a regular morning meeting on Monday, December 19, 2011, beginning at 9:00 a.m. These meetings are advertised public meetings held in the Commissioners' Conference Room. Commissioners Welch, Wilson and Willis and Clerk of the Board, Donna McCallum reviewed

calendars and pending daily office issues. The Board met with Joan Brewster, Public Health and Social Services, regarding agenda items and updates; Dale Gown, Central Services, regarding an agenda item; Public Services individuals regarding agenda items and department updates: Kevin Varness, Public Services; Lee Napier, Planning Department; Jeff Nelson, Environmental Health; Russ Esses, Road Department; Jim Celich, Road Department.

**RECAP OF APPROVED RESOLUTIONS, ORDINANCES, AND
INTERGOVERNMENTAL AGREEMENTS:**

RESOLUTIONS

- | | |
|---------------------|---|
| No. 2011-124 | Authorizing a supplemental appropriation in the budget of the Grays Harbor County Miscellaneous Fund Auditor M&O Fund in the amount \$35,164 |
| No. 2011-125 | Authorizing an emergency appropriation in the budget of the Grays Harbor County General Fund Prosecutor's Office in the amount \$2,500 |
| No. 2011-126 | Authorizing an emergency appropriation in the budget of the Grays Harbor County General Fund Weed Board in the amount \$7,145 |
| No. 2011-127 | Authorizing an emergency appropriation in the budget of the Grays Harbor County General Fund Assessor's Office in the amount \$6,000 |
| No. 2011-128 | Transferring items in the Grays Harbor County Miscellaneous Fund Special Projects in the amount of \$49,092 |
| No. 2011-129 | Transferring items in the Grays Harbor County Miscellaneous Fund Chemical Dependency/Mental Health/Therapeutic Court in the amount of \$330,313 |
| No. 2011-130 | Electing to participate in the Voluntary Stewardship Program |

ORDINANCES

None

INTERGOVERNMENTAL AGREEMENTS

None

The meeting adjourned at 4:22 p.m.

BOARD OF COMMISSIONERS
For Grays Harbor County
This _____ day of _____, 2012.

TERRY L. WILLIS, Chairman, District 1

MIKE WILSON, Commissioner, District 2

HERB WELCH, Commissioner, District 3

ATTEST:

Donna McCallum, Clerk of the Board