

Minutes
BOARD OF COMMISSIONERS – GRAYS HARBOR COUNTY
REGULAR MEETING

November 25, 2013

The Commissioners met in regular session in the Commissioners' Meeting Room, Administration Building, Montesano, Washington, on Monday, November 25, 2013, at 2:00 p.m. Commissioners Wes Cormier, Frank Gordon and Herb Welch were present. Donna McCallum, Clerk of the Board, was present to record the meeting. James Baker, Senior Deputy Prosecuting Attorney, was also present.

CALL TO ORDER AND FLAG SALUTE

1. **Select Chairman through 2014:** A motion was made by Commissioner Welch and seconded by Commissioner Cormier to appoint Frank Gordon as the Chairman through 2014. The motion was approved by all three Commissioners.

BIDS:

1. **Change of Date for Jail Security Project RFP's to December 16th:** The Clerk of the Board announced the date for returning completed RFP's for the Jail Security Project has been changed from today to December 16th.

HEARINGS:

1. **Decision Only, Hearing Closed - Supplemental Budget – Assessor, \$125,000:** There was a public hearing on November 18, 2013 to consider a supplemental budget appropriation in the Assessor's Office in the amount of \$125,000. Notice of this hearing was published in *The Montesano Vidette* on November 7 and 14, 2013. This hearing was closed and continued to November 25, 2013. Commissioner Gordon called for a staff report. Brenda Sherman, Budget Director, reported on November 25, 2013, the Assessor's Office is eligible to receive grant funding from the Washington State Department of Revenue to assist with the conversion to an annual revaluation system for property tax valuation. These funds will be used for programming to allow the Assessor's Office to continue building tools necessary for doing annual updates.

Commissioner Gordon asked to delay the decision for two more weeks in order to get more information from the Department of Revenue.

ACTION: A motion was made, seconded and passed to delay the decision on this hearing for an additional week to December 9, 2013.

2. **Right-of-Way Vacation – Hensel Road, applicant Mark Rice:** There was a public hearing on November 25, 2013 to consider a right-of-way vacation for Hensel Road, applicant Mark Rice. Notice of this hearing was published in *The Montesano Vidette* on November 14, 2013. Commissioner Gordon called for a staff report.

Tom Gray, County Surveyor, read the Engineer's Report as follows:

On October 10, 2013 the Department of Public Works received an application from Mark Rice to vacate a portion of the travelled road known as Hensel Road #48010 within the northeast quarter of the southeast quarter of Section 33, Township 20 North, Range 10 West, W.M.

The Board of County Commissioners initially accepted the Hensel Road Right of Way into the county road system on December 21, 1936. This 60' right of way followed the section line between sections 27 and 28 as well as sections 33 and 34.

The travelled portion of Hensel Road was likely established by public use prior to 1952. Two waivers from property owners in the area and dated 1952 indicate previous use as early as 15 years previous.

On May 20, 1968 The Board of County Commissioners vacated the travelled portion of Hensel Road that was located in the East half of the southeast quarter of the southeast quarter of Section 33. The Board also vacated all of the deeded right of way that had not been used for the road within the southeast quarter of Section 33 and the southwest quarter of section 34.

On December 4, 2000 the county commissioners deleted 0.29 miles from the end of the travelled road from the county's road plant. The status of this portion of road was then changed to "Unopened County Right of Way".

This road does not lead to a body of water, nor will any properties be landlocked as a result of this vacation. The Department recommends the Order of Vacation be approved.

Commissioner Gordon asked if there was any public comment. There was no public comment and the hearing was closed.

ACTION: A motion was made, seconded and passed to approve Resolution No. 2013-119 Vacating that portion of the travelled road known as Hensel Road # 48010, within the southeast quarter of Section 33, Township 20 North, Range 10 West, W.M.

PUBLIC COMMENT

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

Ken Estes, Montesano Mayor, spoke against a road levy shift.

Patrick Wadsworth, Montesano, made comments and asked questions regarding the Prosecuting Attorney appointment.

Paula Rail, Hoquiam, made comments regarding the county budget and stated she likes Commissioner Cormier's ideas.

Jackie Farra, Ocean Shores, thanked the Commissioners for a response to her letter regarding the \$100,000 for a study on the Oyehut Sewer project. She stated she has property in Ocean Shores and Aberdeen and does not mind paying a little extra to help the county function.

Robin Moore, Hoquiam, stated she did not mind paying a little extra on her property taxes and wished the Commissioners had appointed Katie as Prosecuting Attorney.

Carolyn Perry, County Resident, asked for an update on the Marijuana Moratorium. James Baker, Senior Deputy Prosecuting Attorney, discussed the progress. He stated state regulations are in effect.

Robert Criswell, Montesano, made comments regarding the Prosecuting Attorney appointment. He stated the PCO's are elected to represent the people, just as Commissioners are elected to serve the same people.

Linda Webb, Hoquiam, stated she supports Commissioner Cormier and his budget philosophy.

Jackie Farra, Ocean Shores, asked why people decided to unite today against the Commissioners. She stated this is the wrong hour to do this.

CONSENT AGENDA: Approval was requested for the following items:

Minutes:

November 18, 2013 Regular & Morning Meeting

Commissioners:

Appointments to Lodging Tax Advisory Committee – David McWalter , Collector #1 Countywide position for term ending December 30, 2014 and Moraya Wilson for the User #3 Position with a term ending December 30, 2015

Coroner:

Month End Report for October 2013

Management Services:

Set Hearing Date – *December 16, 2013* – Emergency Budget, Juvenile Department, \$25,000

Public Services:

Surplus Vehicles – 5 Trucks from Facility Services

Correspondence:

ESD 113, Certification of Excess Levies for 2014 Collection
Superintendent of Public Instruction – 2014 School District Levy
Port of Grays Harbor – 2014 Budget

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

COMMISSIONERS:

1. **Decision whether to impose a refund levy for the Road Fund up to \$19,818.28:** A motion was made, seconded and passed by Commissioners Welch and Gordon, with Commissioners Cormier voting against, to impose a refund levy for the Road Fund in the amount of \$19,818.28. A motion was made by Commissioner Cormier and seconded by Commissioner Welch to deny the refund levy for the Road Fund. The motion was approved by Commissioners Cormier and Welch with Commissioner Gordon voting against.
2. **Interlocal Agreement with the Office of Financial Management for the Elma-Porter Flood Mitigation Project - \$584,000 of State funding to design overflow bridge on the South Bank Road and to perform hydraulic modeling and analyze feasibility of a project to reduce flooding for Dunlap Road and South Bank Road:** A motion was made, seconded and passed to delay the decision on this item until December 16, 2013.

DEPARTMENTS

Fair, Events and Tourism:

1. **Request Approval, Grant Funding for 2014 through the Tourism Festival and Event Grants/ Tourism Hospitality or Special Projects Grant – total of \$64,800:** A motion was made, seconded and passed to approve the grant funding and contracts with the following entities through the 2014 Grays Harbor Tourism Festival and Event Grant and 2014 Grays Harbor Tourism Hospitality and Special Projects Grant:

<i><u>Sponsoring Entity and Event/Festival</u></i>	<i><u>Grant Amount Awarded</u></i>
AFETA -Antique Farm Engine Show & Pull	\$1,000.00
Montesano Chamber of Commerce – Kids Summerfest	\$2,000.00
Friends of Lake Schafer & Lake Sylvia – Discover Lake Sylvia Fall Festival	\$2,700.00
Westcoast Jet Sports Foundation – Grayland Open	\$2,500.00
Elma Chamber of Commerce – Elma Buckaroo Days	\$1,000.00
Elma Chamber of Commerce – Elma Chamber Wine & Seafood Festival	\$2,000.00
Elma Chamber of Commerce – Heat on the Street Car Show	\$2,000.00
Montesano Chamber of Commerce – Montesano Festival of Lights	\$3,000.00
Lions Charitable Foundation – Toast the Harbor	\$1,000.00
Youth Outdoors Unlimited – Horns & Hooks Fishing Derby	\$5,000.00
Youth Outdoors Unlimited – Horns & Hooks Outdoor Show	\$5,000.00
Midnight Cruisers Car Club – Midnight Cruisers Rod Fest	\$1,000.00
City of Aberdeen – Splash Festival	\$1,500.00
Aberdeen Revitalization Movement – Aberdeen Founders Day Parade	\$2,500.00
Grays Harbor Mounted Posse – GH Indoor Pro Rodeo	\$2,000.00
McCleary Chamber of Commerce – McCleary Rods & Rides Car Show	\$2,000.00
McCleary Chamber of Commerce – McCleary Bear Hunt Family Day	\$2,000.00
Westport/Grayland Chamber of Commerce –Cranberry Harvest Festival	\$1,500.00

<u>Sponsoring Entity and Hospitality Service/Project</u>	<u>Grant Amount Awarded</u>
Lake Quinault Historical Society – Lake Quinault Valley Recreational Map	\$4,500.00
Lake Quinault Historical Society – Portable Toilets	\$0.00
Elma Chamber of Commerce – Elma Downtown Map	\$0.00
Greater Grays Harbor Inc. – Greater Grays Harbor VIC	\$2,500.00
Lake Quinault Community Action Forum – Quinaulttrainforest.com Website	\$500.00
Lake Quinault Community Action Forum – Tag Line Lake Quinault Commercial	\$0.00
WSU Extension/GH County – Farm Fresh Map	\$750.00
Our Aberdeen – Mural Restoration Project	\$5,000.00
City of Aberdeen – Rotary Log Pavilion Website/Printed Materials	\$750.00
Lake Quinault Innkeepers – Explore Lake Quinault Billboard	\$0.00
Lake Quinault Innkeepers – Olympic Peninsula Tourism Comm. Partnership	\$2,500.00
Lake Quinault Innkeepers – Ad in Olympic Journal 2014 National Parks Pub.	\$4,500.00
McCleary Chamber of Commerce – Wood Carvings of Bears	\$0.00
Lake Quinault Historical Society – Museum Website	\$4,100.00

2. Request Approval, Declare two applicants for the 2014 Tourism Festival and Event Grants Invalid and deny consideration: Ocean Shores Farmer’s Market and Driftwood Show/ Cranberry Festival:

A motion was made, seconded and passed to declare two applicants for the 2014 Tourism Festival and Event Grants Invalid and deny consideration due to the applications not having a valid, verifiable non-profit tax id number listed on the application. Policy dictates that only nonprofits are eligible to receive funds from the 3% Hotel Motel Tax Fund, and the Tax ID number listed must 1) belong to the applying entity, and 2) be verified by the IRS and/or Washington State Department of Revenue. The entities that are denied are as follows:

<u>Sponsoring Entity and Event/Festival</u>	<u>Grant Amount</u>	<u>Tax Status</u>
Ocean Shores Farmers Market	\$3,000.00	Per IRS/WA Dept. of Revenue no matching non-profit ID number
Driftwood Show/Cranberry Heritage Group	\$3,000.00	Per IRS/WA Dept. of Revenue, Tax ID number listed on grant application does not belong to the Cranberry Heritage Group

Forestry:

1. Request Approval, Accept Contract as complete and release retainage to WT Timber, LLC for the South Fork John’s River No. 1 Timber Sale: A motion was made, seconded and passed to accept the contract as complete and release retainage to WT Timber, LLC for the South Fork John’s River No. 1 Timber Sale.

2. Request Approval, Accept Contract as complete and release retainage to Sierra Pacific Industries for the Little Hoquiam River No. 1: A motion was made, seconded and passed to accept the contract as complete and release retainage to Sierra Pacific Industries for the Little Hoquiam River No. 1.

Management Services:

1. Request Approval, Resolution – Budget Transfer, Facility Services \$27,000: A motion was made, seconded and passed to approve **Resolution No. 2013-120 transferring items in the Grays Harbor County Facility Services in the amount of \$27,000.** This resolution will authorize the transfer of budget from natural gas to salaries and benefits.

2. Request Approval, Resolution – Budget Transfer, Auditor \$72,000: A motion was made, seconded and passed to approve **Resolution No. 2013-121 transferring items in the Grays Harbor County Auditor’s Office in the amount of \$72,000.** This resolution will authorize the transfer of salaries and benefits budget from election services to licensing, recordings and voter registration. This adjustment more clearly reflects the actual distribution of salaries and benefits based on year to date activity.

3. Request Approval, Resolution – readopting regulations prohibiting smoking on designated County property: A motion was made, seconded and passed to approve **Resolution No. 2013-122 rescinding Resolutions 85-85, 89-89, 90-2 and 91-21, and readopting regulations prohibiting smoking on designated Grays Harbor County property.** Previously there were four Resolutions in the Employment Guide that dealt with smoking on County property. This Resolution replaces those Resolutions and places all the language in one document. This Resolution also adds language that refers to electronic cigarettes, cigars and pipes.

Public Health and Social Services:

1. Request Approval, Contract with Behavioral Health Resources for publicly funded outpatient mental health services – term of October 1, 2013 through September 30, 2014 with a maximum of \$3,169,054: A motion was made, seconded and passed to approve a contract with Behavioral Health Resources. This contract provides publicly funded outpatient mental health treatment services including counseling, psychiatry and residential supports. The contract is fee for service with a maximum of \$3,169,054.00. The contract period is October 1, 2013 through September 30, 2014.

2. Request Approval, Amendment No. 1 to the Contract with Behavioral Health Resources for publicly funded outpatient mental health services – term of October 1, 2013 through September 30, 2014 with a new maximum of \$3,222,622 and additional language regarding liability insurance: A motion was made, seconded and passed to approve Amendment No. 1 to the outpatient service contract with Behavioral Health Resources. This contract provides publicly funded mental health treatment services including counseling, psychiatry and residential supports. The Amendment increases the contract maximum by

\$53,567.00 to ensure continued delivery of critical services to the 20 individuals with serious mental illness residing in the Boarding Home Elma Home Care. The new contract maximum is \$3,222,622. The Amendment also includes an update to language regarding Agency liability insurance coverage.

3. Request Approval, Contract with Behavioral Health Resources – for publicly funded crisis mental health services - term of October 1, 2013 through September 30, 2014 with a maximum of \$1,366,788: A motion was made, seconded and passed to approve the contract with Behavioral Health Resources. This contract provides publicly funded Crisis mental health services including a 24 hour hotline, round-the-clock crisis intervention, designated mental health professionals to administer involuntary treatment and a 10 bed crisis residential facility. The contract is fee for service with a maximum of \$1,366,788. The contract period is October 1, 2013 through September 30, 2014.

ANNOUNCEMENTS

None

CORRESPONDENCE

None

At 2:53 p.m. Chairman Gordon recessed the meeting until 3:00 p.m. in order to meet in Conference Room No. 1 with Secretary of Health, Dr. Wiesman.

At 3:00 pm. Chairman Gordon reopened the Regular Meeting of the Board of Commissioners in Conference Room No. 1.

Convene as Board of Health:

Chairman Gordon announced the Commissioners were moving out of the Regular Meeting and into the meeting for the Board of Health.

Joan Brewster, Public Health and Social Services Director, introduced the Secretary of Health Dr. John Weisman, Karen Jensen, Partnerships Office Director, and Marie Flak, DOH Local Health Liaison.

Dr. Weisman stated he has been on the job since April and is determined to meet with each community to view the diversity of the state. He stated Grays Harbor County is number 14 for him so far. He explained his background in Public Health.

Dr. Weisman stated he is impressed with Grays Harbor and their ability to work with all the local entities. He stated there is great leadership in Ms. Brewster. He stated he wanted to hear the concerns of the Commissioners.

Commissioner Gordon stated he has a couple of concerns and also commended Ms. Brewster and her staff for their dedication and leadership. His concerns are schools and having isolated communities. He explained the decrease in transit routes and obesity in schools.

Commissioner Cormier stated he serves on the ORCAA Board and fears the County may become a regional authority and lose local representation. Dr. Weisman stated local representation is very important.

Commissioner Welch stated his greatest concern is local funding for programs.

Dr. Weisman stated the legislature has heard the importance of public health. He discussed the McCleary decision and his priority to protect core funds. He discussed the local role in public health and the need for more resources to work with schools. There needs to be a common agenda for prevention funding.

Commissioner Gordon discussed the need for crisis counselors during events like attempted suicides involving school aged children. Dr. Weisman discussed the STEEP program and a focus on prevention.

Jeff Nelson, Environmental Health Director for Grays Harbor County, discussed his department's role in schools.

There was further discussion on risk behavior and the early ages at which the county is seeing drug problems. Guardian Ad Litem and early education of prevention were discussed.

Chairman Gordon stated the Board of Health meeting was closed and moved back into the Regular Board Meeting.

Chairman Gordon recessed the meeting at 3:50 p.m. to 4:00 p.m. in order to go back into the Large Meeting Room for the conclusion of the Regular Meeting and an Oath of Office.

At 4:00 p.m. Chairman Gordon reopened the Regular Meeting for the following agenda item:

Oath of Office:

1. Vini Samuel - Prosecuting Attorney: Vini Samuel was present and stated she made it clear she would not be taking an oath of office today. She stated she is sure Judge Godfrey is busy and informed his office she would not be taking an oath today. She wants an opportunity to ask questions before she makes any decisions.

Ms. Samuel asked each Commissioner to explain why they chose her for the appointment.

Commissioner Welch stated the Commissioners did not discuss their choice of person for the appointment until public meetings. He stated he knew her personally over the years and thought

she would make an excellent Prosecutor. He stated since he knew Ms. Samuel he chose her for the position.

Commissioner Cormier stated the process used for selection of individuals for the list that came to the Commissioners was a blatant violation of the spirit of the process. He stated if you allow yourself to be nominated and placed on a list you are subject to being appointed.

Ms. Samuel asked if any of the Commissioners had spoken to the PCO's of the Democratic Party.

Judge Godfrey came to the podium. He stated he came to the meeting to swear her into office. He stated the Constitution is clear for the appointment process. He interprets the law to state the Governor only gets involved if a majority of the Board of Commissioners does not agree on an appointee. He stated the Board has done their job, the office is filled.

He stated the only outstanding matter is to take an oath and file a bond. He has a major problem with neither having been done. He asked who is legally running the Prosecutor's Office. He stated there can be huge ramifications to court cases if someone were to file a lawsuit declaring the Interim Prosecutor did not have the right to try their case because there was an appointed person that should be taking over that responsibility. The Interim Prosecutor only serves until a successor is elected or appointed. The delay of this process has been nonsense. The Board appointed someone and he feels they have waited too long to have this meeting to swear in the newly appointed Prosecutor. He further discussed case law and the process for appointment and vacancies.

Commissioner Gordon apologized to the Judge for the problem this has caused and asked Ms. Samuel to give a yes or no to the appointment.

Ms. Samuel stated she had one more question. She also stated she has been in contact with her own attorney regarding the appointment process and her attorney disagrees with the advice the Commissioners have received. She asked the Commissioners what other legal references they were using for their stance to choose a time for her to take the oath of office.

Commissioner Gordon stated he is comfortable asking for her decision. He stated all three candidates were qualified for the position of Prosecutor, now it is time to have a decision so that the courts will not be negatively impacted.

Ms. Samuel asked Commissioner Cormier if there was any other legal advice they received. Commissioner Cormier stated he is looking directly at Article II of the Constitution and he feels it is clear on the steps necessary for appointments.

She stated there may be a lawsuit coming if she declines the position and stated she will give the Commissioners a letter on Wednesday with her decision.

Judge Godfrey provided an analogy on what can happen if a decision is not made. He stated Ms. Samuel can get all the legal advice she wants but if she declines the issue will be taken back to the Democratic Party.

STAFF MEETINGS

The Board held a regular morning meeting on Monday, November 25, 2013, beginning at 9:00 a.m. These meetings are advertised public meetings held in the Commissioners' Conference Room 1. Commissioners Wes Cormier, Herb Welch and Frank Gordon and Clerk of the Board Donna McCallum reviewed agendas, calendars and pending daily office issues. The Board met with Marilyn Lewis, Human Resource/Budget Manager, regarding an agenda item and the following Public Services Representatives: Public Services Director Kevin Varness, Road Engineer Russ Esses, Environmental Health Director Jeff Nelson and County Surveyor Tom Gray to discuss agenda items.

RECAP OF APPROVED RESOLUTIONS, ORDINANCES, AND INTERGOVERNMENTAL AGREEMENTS:

RESOLUTIONS:

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| No. 2013-119 | Vacating that portion of the travelled road known as Hensel Road # 48010, within the southeast quarter of Section 33, Township 20 North, Range 10 West, W.M. |
| No. 2013-120 | Transferring items in the Grays Harbor County Facility Services in the amount of \$27,000 |
| No. 2013-121 | Transferring items in the Grays Harbor County Auditor's Office in the amount of \$72,000 |
| No. 2013-122 | Rescinding Resolutions 85-85, 89-89, 90-2 and 91-21, and readopting regulations prohibiting smoking on designated Grays Harbor County property |

ORDINANCES:

None

INTERGOVERNMENTAL AGREEMENTS:

None

The meeting adjourned at 4:24 p.m.

BOARD OF COMMISSIONERS
For Grays Harbor County
This _____ day of _____, 2013

FRANK GORDON, Chairman, District 2

WES CORMIER, Commissioner, District 1

HERB WELCH, Commissioner, District 3

ATTEST:

Donna McCallum, Clerk of the Board