

Minutes for January 3, 2012

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072583 THE BOARD OF WHITMAN COUNTY COMMISSIONERS met in their Chambers in the Whitman County Courthouse, Colfax, Washington for **Tuesday, January 3, 2012 at 9:00 a.m.** Chairman Greg Partch, Patrick J. O'Neill and Michael Largent, Commissioners and Maribeth Becker, CMC, Clerk of the Board attended.

9:00 a.m. - Call to Order/Board Business/Workshop.

Present: Gary Petrovich, Joe Smillie, Kelli Hadley and Bill Spence.

072584 1. Items discussed included Hawkins Development, 2012 budget conversion, bag ordinance and insurance cost allocation. No action taken.

9:15 a.m. - Board Business/Executive Session.

Present: Gary and Valerie Hunt and Kelli Campbell.

072585 2. Commissioner Largent **moved** Commissioner O'Neill **seconded** the motion and it **carried** to go into executive session with the above individuals until 10:00 a.m. in accordance with RCW 42.30.140(4)(a) for matters related to negotiations.

10:00 a.m. - Board Business Continued/Pledge of Allegiance.

Present: Joe Smillie, Kelli Hadley and Bill Spence.

072586 3. Commissioner Largent **moved** to appoint Commissioner O'Neill Chair for 2012 and Commissioner Partch Vice-Chair for 2012. Motion died for the lack of a second.

Commissioner O'Neill **moved** Commissioner Largent **seconded** the motion and it **carried** to retain the same slate of officers for 2012.

D072586A 4. Motion by Commissioner O'Neill to accept the consent agenda. Motion **seconded** by Commissioner Largent and **carried**.

072587 5. Claims/Payroll warrants numbered **260041-260063, 260481-260504 and 260608-260627** for **\$579,433.59** approved.

072588 6. December 27, 2011 minutes approved.

072589 7. Personnel change orders approved.

072589 8. After review and modification, Commissioner O'Neill **moved**, Commissioner Largent **seconded** the motion and it **carried** to approve the commissioners' 2012 committee assignments as follows.

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2012 Whitman County Commissioners Committee Assignments

Commissioner District I, Greg Partch

Aging & Long Term Care of Eastern WA Governing Board (ALTCEW) (Paid Expenses)
Joint Planning Advisory Committee II (JPAC)
Public Defense Advisory Committee
Transportation Improvement Board (TIB) (Paid Expenses)
Whitcom Executive Board
Workforce Development Council (WDC) (Paid Expenses)

Commissioner District II, Pat O'Neill

Community Education Training Center Advisory Board (CETCAB)
Council on Aging & Human Services (COA&HS)
Developmental Services Advisory Board (DSAB) (Non-Member)
Juvenile Justice Advisory Committee (JJAC)
Martin Hall Juvenile Facilities Consortium (MH)
Palouse Alliance (PA)
Palouse River Counseling Center Advisory Board (PRCC) (Non-Member)
Pro Mall Condo Association (PMCA)
Pullman-Moscow Regional Airport (PMRA) (Non-Member)
Rural Transportation Planning Organization (RTPO)
Safety Committee (SC)
Southeast Washington Economic Development Association (SEWEDA)
United Way of Pullman (FEMA)

Commissioner District III, Michael Largent

Agricultural Burning Task Force (DOE)
Greater Columbia Behavior Health Regional Support Network (GCBH) (Primary)/
(M Berney-Alt.)
LEOFF I Board
Palouse Basin Aquifer Committee (PBAC)
Palouse Empire Fair Board (PEF)
Palouse Empire Fair Foundation (PEFF)
Snake River Salmon Recovery Board (SRSRB)
Washington Counties Insurance Fund (WCIF) (Paid Exp.)/(Primary)/(K Campbell-Alt.)
Washington Rural Counties Insurance Pool (WRCIP) (Primary)/(K Campbell-Alt.)
Water Resource Investment Area (WRIA) 34-Whitman County
Water Resource Investment Area (WRIA) 35-Garfield County
Water Resource Investment Area (WRIA) 56-Spokane County

Chairperson

Law Library Board
Capital Improvement Program (CIP)
Finance Committee
Hearings Examiner Board
Incident Team (IT)
Transportation Policy Board (TPB)

All Commissioners Attend

Board of Health (BOH)
Board of Equalization (BOE)
Elected Officials Meetings (EO)
Monthly Financial Report Meetings

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Joint Semi-Annual Latah County/Whitman County Meetings
Joint Quarterly Port of Whitman/Whitman County Commissioners Meetings
Quad Counties Meetings (QC)

All Commissioners May Individually Attend Periodically (BOCC-Not Members)

Accounting Technicians Meeting (ATM)
Associate Development Organization (ADO)
Civil Service Commission (CSC)
Emergency Communication Advisory Committee (ECAC)
Extension Steering Advisory Committee
Noxious Weed Control Board
OKKO Club
Park & Recreation Board
Road and Bridge Advisory Board (RBAB)
Solid Waste Advisory Committee (SWAC)
Water Conservancy Board (WCB)
Web Site Development Committee

Commissioners Should Not Attend Unless Invited

Blue Ribbon Advisory Task Committee
Board of Adjustment
Citizens' Commission for Salary for Elected Officials
Classification Committee
Elected & Appointed Team Committee
Planning Commission

072591 9. Commissioner O'Neill **moved** Commissioner Largent **seconded** the motion and it **carried** to approve the 2012 county dues as presented.

Aging & Long Term Care		\$ 5,194.00
Community Education Training Center		5,000.00
National Association of Counties		865.00
Office of Minority & Business Women		150.00
Palouse Basin Aquifer Committee		5,000.00
Palouse Basin Water Summit		250.00
WA Association of County Officials	Est.	7,107.00
WA State Association of Counties	Est.	7,080.00

072592 10. Commissioner O'Neill **moved** Commissioner Largent **seconded** the motion and it **carried** to sign the revised professional services agreement with J&M Benefits, DBA FRP Financial (insurance consultants) (12/31/12).

072593 11. Commissioner O'Neill **moved** Commissioner Largent **seconded** the motion and it **carried** to publish a notice seeking small works roster vendors, contractors and professionals for the county's rosters.

072594 12. Commissioner Largent **moved** Commissioner O'Neill **seconded** the motion and it **carried** to reappoint Lisa Blumenshein to a 4-year term on the Citizens' Commission on Salaries for Elected Officials. Ms. Blumenshein's term will expire 12/31/15.

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072595 13. Commissioner O'Neill **moved** Commissioner Largent **seconded** the motion and it **carried** to reappoint Mary Carol Sauve to a 3-year term on the Solid Waste Advisory Committee. Ms. Sauve's term will expire 12/31/14.

072596 14. A notice was received from Pullman Disposal Service, Inc. requesting an application to the State for an increase in Solid Waste collection rates.

072597 15. The 2011 Bloodborne Pathogen training results were received and reviewed.

16. Letters/emails were received from the following individuals regarding the Hawkins Development.

072598 Scotty Cornelius - opposed

072599 Susan Heise - opposed

072600 Roy Wolfe - retain Corridor for industrial business

072601 Ron Wachter - wants no risk to the county

072602 Kristina Thompson - opposed

072603 17. Information about a plastic bag ordinance in Whitman County was received from M. Douglas, Ferndale, WA. No action necessary.

072604 18. An executed copy of DSHS #1263-43047 consolidated contract for FY 12-13 for juvenile services was received.

072605 19. Commissioners' pending list reviewed.

10:30 a.m. - Recess.

Commissioner Largent excused himself from the meeting until 2 p.m.

11:00 a.m. - Mark Storey, Public Works Director.

Present: Phil Meyer and Joe Smillie.

Maintenance Division:

D072605A 20. Phil Meyer reported no snow removal necessary; road weight limit restrictions are in place, but due returning frost, some heavy load movement is taking place.

D072605B 21. A workshop was scheduled for January 17th to discuss vehicle purchasing in 2012.

D072605C 22. A workshop was scheduled for January 23rd to discuss 3 pending road issues.

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D072605D 23. The Pullman-Moscow Airport overlay project is still pending.

11:20 a.m. - Recess.

1:30 p.m. - Board Business Continued.

Present: Mike Berney, Greater Columbia Behavioral Health (GCBH).

072606 Mr. Berney briefed the commissioners on the upcoming January 5th GCBH Board meeting.

D072606A 24. Request by Skamania County to leave GCBH:

GCBH has not been notified by Skamania County but they have seen a copy of a letter from them to the State requesting that they be able to leave GCBH and join Clark County RSN. The GCBH bylaws state that a member county must notify GCBH in writing at least 3 months in advance of wishing to leave the RSN. Three or four years ago Skamania County said that they were seriously considering leaving GCBH and going with Clark RSN. Mr. Berney was not aware they sent a letter to the State that time. Since GCBH was created Skamania County has wondered if it wouldn't make more sense for them to be part of an RSN with Clark County. Most Skamania County residents go to Vancouver for their specialty health care. In the past GCBH has encouraged Skamania County to do whatever they thought was in their best interest. If this ever needs a GCBH Board vote, since it is a voluntary request to leave the RSN, it should not require the Whitman County Board Director to vote.

D072606B 25. Consolidation of Regional Support Networks:

Apparently there has been discussions/negotiations going on behind the scenes between Spokane County and a number of the other eastern Washington counties to have the other counties join Spokane RSN. What we understand so far is that the Spokane County Commissioners would continue to be the Governing Board for whatever new entity emerged from these negotiations. Apparently Spokane has been telling others around the State that because Skamania County is thinking about leaving GCBH that GCBH is falling apart.

1:50 p.m. - Recess.

2:45 p.m. - Hawkins Development Decision.

Present: Gary Petrovich, Joe Reynolds, Byron Bedirian, Dan LeBeau, Bob Lothspeich, Eunice Coker, Kristina Cooper, David Ledbetter, Denis Tracy, Jeff DeVoe, approximately 20 residents, and Joe Smillie, Kelli Hadley, Dean Ferguson from the media.

D072606C 26. The Chairman reconvened the meeting. He reminded those in attendance this is a commissioners' business meeting, not a public meeting

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or a hearing and they would not be hearing comments from the public. The matter before them is to consider a request by Hawkins LLC to amend the Development Agreement that was signed by the Board of County Commissioners in 2008. The major change requested is to increase the already approved county infrastructure portion from \$9.1 million to up to but not to exceed \$15 million. The Administrative Director was appointed our lead, will bring us up-to-date and then we will bring this matter up for discussion.

Gary Petrovich distributed copies of the revised first amendment to the Development Agreement. Mr. Jeff DeVoe with Hawkins Companies presented to this Board on December 19, 2011 a request for amendment to the Development Agreement. As Commissioner Partch stated, this is basically to make a change in the reimbursement CAP.

On December 27, 2011 the Board's legal counsel reviewed and gave their decision to the Board on items that affected this agreement. As a result of that legal review, the Board directed changes to the Development Agreement amendment and has incorporated those changes into the new document. Therefore, the changes incorporated in this document can be accepted by the Board.

Commissioner Largent said he could see the changes and that there has been some work on this document, but they didn't have, other than individual comments, any input into this officially. He asked Mr. Petrovich if he was presenting this as the changes. Mr. Petrovich said yes, the changes that were directed by the Board, by members of the Board.

Commissioner Partch said just to go along with Commissioner Largent he didn't believe there were any substantive changes. The big thing is the request from \$9.1 million up to \$15 million. However, in looking at that, they did incorporate language the Prosecutor's office specifically spelled out, that this is for public infrastructure, this is not private at all, it is only for public infrastructure and the term "public infrastructure" was included throughout the document.

Commissioner Largent asked if the language that was inserted was to clarify the legalities of it by the Prosecutor's office. (Commissioner Largent apologized for the questions explaining he had been ill the week prior.) Commissioner Partch said the changes were in response to the Prosecutor's office, not from the Prosecutor's office.

Commissioner Largent asked for the specific area of change and Mr. Petrovich stated, paragraph 4, Sections a-d. Commissioner Largent wondered if the revisions had been reviewed for sufficiency by the Prosecutor. Commissioner Partch responded no. They've added it and he thought it was sufficient. That was the request to make sure that we have that language in there. That was the original documentation saying we cannot use any money for anything other than public infrastructure so that is what this is.

Commissioner Largent clarified his question by asking if the language meets the legal reservations of the original amendment as proposed by Hawkins and wondered if the revised document had legal review. Commissioner Partch said at that point, that was his concern (Denis Tracy) and they incorporated it. He thought it was sufficient. They spoke with the Public Works Director to make sure that it was within their means.

Denis Tracy offered to address Commissioner Largent's concerns and Commissioner Partch said not at this time.

Commissioner Partch asked if the Board wanted to move forward. That is the report from our Administrative Director put in charge of working with Hawkins Companies to bring us something for signature.

072609 Commissioner O'Neill **moved** Commissioner Partch **seconded** the motion to approve the first amendment to the Development Agreement.

Commissioner Partch called for discussion.

Commissioner Largent offered an **amendment to the motion** "that we table consideration of this until such time as our Prosecuting Attorney has had a chance to review the additional language that was inserted." **Motion died** for the lack of a second.

072607 Commissioner O'Neill read the following prepared statement:

"I have spent many hours doing my due diligence on the future of this shopping Center. After reviewing many documents and asking the hard questions, is this good for all the citizens of county? The county is very large with the majority of it in farming. The county is rank in the top three in the state that receives more revenues from the state and federal government to operate as a county. This also is true when it comes to gas tax we fall short in road and bridge repair. The west side of the state pays toward this.

Raising taxes on property owners and farmers is not going to solve our revenue problems now or in the future; we must grow our economic base. We have WSU with student population 18,000 plus that increases our sales taxes when they are here.

City of Moscow changed their big box store ordinance and they are working on changing the city ordinances for expansion for new shopping center behind the Palouse Mall. It was printed in the Daily News September 20 and December 16, 2011.

Remember sometimes history repeats itself. City of Pullman built a bridge to nowhere, because a shopping center was proposed and turned down by

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Pullman, it is now the Palouse Mall. How much revenue has been lost in this county the last twenty five years by this decision? You have the same thing happening today! If you believe that a shopping center is going to be built on the Palouse; and your answer is yes do you want it built in Whitman County or across the state line?

The county has agreed to \$9.1 Million for infrastructure dated May 28, 2008. The economy went into a tail spin. The original contract that Hawkins agreed to pay the difference has now changed due to the change in economy. In return Hawkins will guarantee **two** instead of one big box stores by January 2014, or the agreement is cancelled. They also agreed to keep this project on the books and not sell it off in the foreseeable future. Hawkins has spent about \$10 Million in land acquisition, water rights and digging of two wells. This work was completed over 3 years ago and they have paid \$1 Million in interest charges. I believe this shows a true commitment by the developer. The increase in dollars of \$ 5.9 Million towards the infrastructure will be turned over to the county upon completion. Since the original agreement the state has passed the LRF grant for this project. It is worth \$200,000 per year for 25 years a total of \$5 Million, generated from sales tax. Hawkins is considered to be one of the best in the industry with a very conservative approach in all their projections with a 35 year track record. This is not first recession they have been faced with, look back to the late 70's, 80's and to present, we had several bumps in the economy. As a County we need to send a positive message on this issue. A plan is being developed to lower our risk as we move forward. The County will not pay any money until benchmarks are met. I believe the county has the financial backing to be able to enter into this agreement. Shoppers will not have to travel to Spokane or the Tri-cities, when it is here in Whitman County. Patrick J. O'Neill."

D072607A Commissioner Largent said he would not read a prepared statement other than say from his perspective the potential risk to Current Expense, which is the General Fund, is not guaranteed. He would much prefer an agreement wherein the cash flows generated by the project would be the only flows committed to funding infrastructure on that project. This agreement does not do that and he didn't feel satisfied that the risks entailed in this outline by our Prosecuting Attorney and others has been adequately mitigated given the changes to the document. He will say that he appreciates the perspective of his fellow commissioners. He has been in a minority position before and how this vote turns out he will be satisfied with that. He appreciated particularly the integrity of the Hawkins people including JD (Jeff) DeVoe, who is a man of trust to say it how it is, but he reluctantly would have to oppose this.

072608 Commissioner Partch read the following prepared statement:

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We are today faced with the most important decision I will have made as commissioner over my past eleven years. Hard decisions do not often come easy, this among them. Four years ago we entered into an agreement with the Hawkins Group. Today we must reaffirm that decision or continue our decent into insolvency. We must decide what course of action we will set for the future of Whitman County. I do know that presently we are dying from that proverbial "death by a thousand cuts". We can only sustain these until our reserves dry up, which are rapidly occurring. Then we too will spiral into that process we see all around us of cutting people and services until that service can no longer be provided. A process we have already started. First the "non-mandated" services will go including the elimination of our parks, WSU Extension and the Fair. This will be coupled with reduction in hours to the public and staff. Our Public Health Services location in Pullman, as well as District Court, will fall back to Colfax making it far less accessible to WSU students as well as all those in our most populace city. This will happen if no other revenue sources become available. This will not be just "possible" or even probable but in reality "factual".

We can no longer depend on the State and in fact the State now is off loading more and more mandates and responsibilities to us as they deal with their dilemma. With each passing year now our employees find themselves further and further behind as we have had no sustainable way of compensating them for the good services they have rendered to the citizens of Whitman County. When I became a commissioner eleven years ago, one of my main objectives was to build our revenue base through economic development. The first step was to identify how and where that was most likely to occur. We identified the SR270 corridor as that place. The next step was to work with the State to fund the upgrade of that dangerous stretch of road and make it into an economic highway as well. That was accomplished in June of 2006 when we cut the ribbon on the \$32M five lane SR270 reconstruction. That left the door open to development. We were soon after approached by the Hawkins Company to construct a shopping mall. That agreement was signed in 2008 but unfortunately, due to two years of outside intervention, the Hawkins Company had to delay the project as we entered into the worldwide recession. We now have that opportunity again before us. Not without risk, but I do think a risk that will forever define the economic landscape of Whitman County. For this reason, I am voting not only for the requested amendment to this agreement but for Whitman County's future. Greg Partch."

072609 There being no further discussion, Commissioners Partch and O'Neill voted **aye** and Commissioner Largent voted **nay**. Motion **carried**. First amendment to the Hawkins Companies LLC Development Agreement signed.

3:05 p.m. - Recess.

6:30 p.m. - Ruckelshaus (Voluntary Stewardship Program (VSP)) Hearing.

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Present: Mark Storey, Alan Thomson, Iris Mayes, David Stueckle, Dave Gibrey, Mary Rosen, Arthur Swannack, John Pearson, Mark Klicker, Dave Weber, Jake Hill, Kimberly Norse, Damon Hill, David Morgan, Joe Smillie and Kelli Hadley.

Commissioner Largent was unavailable.

072610 27. Chairman Partch reconvened the commissioners meeting and opened the hearing for the Ruckelshaus legislation. He provided the hearing instructions, noted the previous meetings/hearings held and a required decision by January 22nd.

072611 A letter was received earlier in the day from Jack Ensley opposing any involvement in this program.

A staff report was requested by the Chairman.

072612 Alan Thomson said this is regarding the Ruckelshaus (Voluntary Stewardship Program (VSP)) legislation dealing with regulating agricultural activities statewide. The county is faced with the choice of opting in/out of the program.

Ruckelshaus is being organized through the State Conservation Commission. If the county chooses to opt in, a Watershed Committee must be delegated to establish ways to protect critical areas from agricultural activities.

If the county chooses to opt out Whitman County will have to amend its critical area ordinances because currently agricultural activities are exempt from the ordinances.

The hearing was then opened to public comments.

Art Swannack said he farms in the northern portion of Whitman County and is currently President of the Whitman County Farm Bureau. He would ask the commission to choose to opt in fully to the VSP. He believed it is better for our farms because it puts farms and farming at a maintained or enhanced level, which is equal to what the critical areas ordinance would otherwise require for environmental control. He also believed it is good for the county because nothing is required for the first 3 years once the county opts in, unless the county chooses to receive funds from the State Conservation Commission (money that is federal/state funds funneled through the State Conservation Commission). He thought it would give the county time to get through the current budget crisis everyone is facing, make decisions on the best way to deal with the areas subject to the agricultural requirements thereby giving people time to make wise decisions.

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David Stueckle of Dusty said he has been farming all his life and is in favor of opting into the VPS. He concurred with Art Swannack's comments. He has spoke in favor of this previously and he hasn't changed his mind. He didn't see how the county could lose at all and it will prevent the county from being sued. He encouraged the commissioners to vote to opt in before the deadline.

John Pearson said his wife and he run cattle on the north, south and lower portions of the Palouse River by Hooper and he is in favor of the VSP and believed the county should opt in. Among all the other reasons mentioned, as stewards of the land, he liked to believe that we want to be involved in the decisions being made as operators and landowners.

Mark Klicker Regional Field Manager for the Washington Farm Bureau residing in Walla Walla said he actually farms in southern Whitman County. He was present on behalf of the Washington Farm Bureau who works with 8 county farm bureaus. The Farm Bureau has been working on battling the Growth Management Act (GMA) since its inception in 1990. Most recently was Initiative 933 that they filed in 1996. Unfortunately, Farm Bureau lost that battle, but they are trying to maintain viability of agriculture. In doing so, the Ruckelshaus Center was formed with the agricultural, environmental, tribes and counties to work out a solution and came up with this agreement.

As you well know, the counties have one of two options. The county being/not being a GMA county must complete a revision of the critical areas ordinances by July 2013.

- 1) If the county chooses not to opt into the VSP it must immediately complete the critical areas ordinance revisions thereby creating a stakeholders group that isn't necessarily controlled by the county. The revised critical areas ordinances must still be submitted to the Growth Management Hearings Board and are subject to appeal and lawsuit no matter if you are a GMA county or not. It hangs in the balance of, are you willing to take the chance of a group coming in and filing a lawsuit or an appeal that could cost the county millions of dollars. Under this option, the critical areas ordinances do not consider other programs already being done such as WRIA planning, Habitat Conservation Plan and CRP plantings.
- 2) If the county chooses to opt into the VSP, the county also has the option of utilizing an off-ramp option to opt out of the program in 3 years. Under VSP, counties are protected from agricultural appeals and lawsuits. Within this option is a local stakeholders group appointed by the county commissioners. This group can be loaded with people that represent Whitman County and not comprised of people from areas other than Whitman County. Under VSP, it is important to remember if you bring an issue to the local level it is controlled by

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the local level. With this option, programs already being done can be dovetailed into the VSP while maintaining viability of agriculture.

Mr. Klicker encouraged the commissioners to highly consider the entire county and watershed priority in the VSP.

Commissioner Partch asked Mr. Klicker to share what other counties have done. Mr. Klicker said many are in the same timeframe as Whitman County and others are just beginning the process with 4-5 counties conducting their first hearing this evening. Lewis County has already opted in and there will be others counties such as King, Snohomish and Pierce that will probably choose not to opt in.

Mary Rosen Manager of the Palouse Conservation District said she has attended all the public meetings and encouraged the commissioner to opt into VSP as another avenue to perform good voluntary stewardship, bring funding into Whitman County and get more conservation on the ground. She felt it was a win-win situation for the county, landowners and resources.

Kimberly Morse, District Coordinator for the Whitman Conservation District echoed the other comments. In follow up to the letter of support for opting in from the Conservation District Board, the local input is what the District is interested in. Many local agencies have the technical experience and means to help with this process along with public support.

Alan Thomson said the Planning Department has given a memo to the county commissioners recommending opting in to VSP and that the whole of Whitman County be involved in this program and a special recommendation to the Snake River Watershed as a priority watershed. The action by the Board will be by resolution and not ordinance. If the commissioners choose to opt in the Planning Department would like the Conservation Districts' participation and expertise in putting together the watershed groups.

Mr. Thomson said this is all dependent on funding. As they have been made aware, if the county opts in and no money comes to this program, the county can off-ramp out of the program after a period of time and will then be back to updating the critical areas ordinances to accommodate agricultural activities. Therefore, the funding is quite important but it is still unknown as this time. The county will not do anything until the funding is available, after which time they will have 60 days to ramp up to get the program going.

Iris Mayes pointed out the Washington State Conservation Commission and Washington State Association of Counties has information on line. The Planning Department can also forward information on this issue to anyone interested.

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There being no further comments, the hearing was adjourned.

Due to the absence of Commissioner Largent, the commissioners chose to render their decision January 9th at 11 a.m.

6:55 p.m. - Recess.

D072612A THE BOARD OF WHITMAN COUNTY COMMISSIONERS met in their Chambers in the Whitman County Courthouse, Colfax, Washington for **Monday, January 9, 2012 at 9:00 a.m.** Chairman Greg Partch, Patrick J. O'Neill and Michael Largent Commissioners and Maribeth Becker, CMC, Clerk of the Board attended.

9:00 a.m. - Meeting Reconvened/Board Business Continued/Workshop.

Present: Gary Petrovich, Joe Smillie, Kelli Hadley and Bill Spence.

072613 28. Items discussed included Hawkins Development financing, CAC, one-time COLA payment, Forest Service email, Mayor's Roundtable, Quarterly meeting and Palouse Community Center dedication. No action taken.

9:30 a.m. - Recess.

10:00 a.m. - Reconvened/Board Business Continued.

Present: John Henry, David Ledbetter, Gary Petrovich, Bob Reynolds, Kelli Campbell, Eunice Coker, Joe Smillie and Kelli Hadley.

072614 29. Claims/Payroll warrants numbered **260652-260768** for **\$197,177.65** approved.

072615-072624 30. Personnel change orders approved.

072625 31. An executed copy of the Deputy Sheriff's Association letter of agreement was received.

072626 32. Kelli Campbell indicated the Courthouse bargaining unit has tentatively settled. Therefore, in the meantime she would like to process the one time wage adjustment (COLA) of \$550 for the Courthouse bargaining unit and non-represented employees to be used for a VEBA, HSA or wages. Commissioner O'Neill **moved** Commissioner Largent **seconded** the motion and it **carried** to accept the recommendation as presented.

10:10 a.m. - Esther Wilson, Elias Siriani and David Stueckle.

D072626A 33. The Auditor stated the professional services agreement with Lincoln County for redistricting is not yet available.

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34. Bob Reynolds presented documents associated with the energy conservation project and recommended approval by the Board. Commissioner Largent **moved** Commissioner O'Neill **seconded** the motion and it **carried** to sign all documents from the Department of Enterprise Services for the energy conservation project.

072627	Project #2011-189	Amendment #1 to Interagency Agreement
072628	Project #2011-189 A (1)	Amendment #2 Funding Approval
072629	Project #2011-189 A (1)	Authorization for Amendment #2
072630	Project #2011-189 B (2)	Funding Approval/Corrections Building Phase I
072631	Project #2011-189 B (2)	Authorization/Corrections Building Phase I
072632	Project #2011-189 B (2)	Authorization to Proceed
072633	Project #2011-189 G (2-1)	Funding Approval/Corrections Building Phase I
072634	Project #2011-189 G (2-1)	ESCO Approval/Corrections Building Phase I

10:25 a.m. - James Dawson.

072635-072636 35. Commissioner O'Neill **moved** Commissioner Largent **seconded** the motion and it **carried** to reappoint Marty Mullen and John Glass to 4-year terms on the Blue Ribbon Advisory Committee. Terms will expire 12/31/15.

072637-072641 36. Commissioner O'Neill **moved** Commissioner Largent **seconded** the motion and it **carried** to reappoint Dale Miller, Debbie Sherman, Julie Simpson and Susana Reyes to 3-year terms on the Developmental Services Advisory Board. Terms will expire 12/31/14.

072642 37. The operational status of the Whitman County Water Conservancy Board was received from the Department of Ecology, reviewed and filed.

072643 38. The commissioners acknowledged the revised 2012 school district levies for ESD 101.

072644 39. An email was received from the Washington Farm Bureau Director of Government Relations encouraging the commissioners to opt into the Ruckelshaus Voluntary Stewardship Program.

10:30 a.m. - Recess.

11:00 a.m. - Reconvene/Board Business Continued/Ruckelshaus Decision.

Present: Mark Storey, Alan Thomson, Iris Mayes David Stueckle, Joe Smillie, Kelli Hadley and James Dawson.

072645 40. Alan Thomson said today is slated for a decision concerning opting in/out of the Ruckelshaus Voluntary Stewardship Program (VSP) dealing with farming and critical areas. Staff's recommendation is that the county opt-in to the VSP.

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Commissioner O'Neill **moved** and Commissioner Largent **seconded** the motion to accept the recommendation from staff and opt-in to the Ruckelshaus Voluntary Stewardship Program (VSP).

Commissioner O'Neill said he was very much in favor of this and believed it gives people in agriculture a place at the table with other departments they have to deal with, i.e. Fish and Wildlife, Department of Ecology (DOE), Conservation and water. They have a place now to sit at the table and be on an even playing field to work through the problems and come up with a good consensus on how to conserve our natural resources and still be able to make a living doing what they love.

Commissioner Partch said he had some grave reservations about opting-in to the VSP since Whitman County is one of a few counties in the state that opted out of the Growth Management Act (GMA) and have fought against it ever since that time and have done a very good job of it. He thought the county currently had the best of both worlds. He did not trust the state, especially DOE not to change the rules once the county opts-in and thought the county could do this on its own. However, he thought it is critical for GMA counties to opt-in.

However, after holding three public meetings/hearings on this issue he heard from residents, well respected agricultural representatives from the community, and members of the Farm Bureau who sat down with the Washington State Associations of Counties (WSAC) to review this legislation. Representatives of Whitman County have stepped forward stating they believe this is the right thing to do and for that reason Commissioner Partch said he planned to move forward but with reservations. He also thought there are enough off-ramps to get out of the program if no funding is available. It is an opt-in issue for the farmers, but he didn't feel it would be a huge impact on the farmers that might not want to be a part of this.

Commissioner O'Neill said what scares him is the possible astronomical lawsuits when updating the critical areas ordinances because you are dealing with DOE and other departments. Skagit County has paid out \$5-\$6 million in lawsuits. Without opting-in the county must update its critical areas ordinances by July 2013. His fear is that although the county currently has two fantastic people that can do that, by the same token, it could open the county up to lawsuits from different organizations/groups that feel differently. Commissioner O'Neill reiterated his concern for the county's liability and cost of lawsuit(s) if the county doesn't opt-in.

Commissioner Partch said that is also why he has reservations about this. Snohomish County is one of the county's that opted-in to the GMA and look what has happened to them. Stevens County is a county our size that opted in the GMA. They didn't have to because they were below the 50,000 threshold but opted-in for the \$500,000. However, he still thought it was

in the best interest of agriculture in Whitman County not to opt-in to the GMA.

Commissioner Largent said he thought there have been plenty of meetings on this issue and the citizens have made themselves very clear.

There being no further discussion, the commissioners voted **unanimously** to opt-in to the Ruckelshaus Voluntary Stewardship Program.

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF WHITMAN COUNTY, WASHINGTON**

**OPTING-INTO THE RUCKELSHAUS)
VOLUNTARY STEWARDSHIP PROGRAM)
CONSISTENT WITH ESHB 1886 AND) RESOLUTION NO. 072645
RCW 36.70A)**

WHEREAS, under ESHB 1886, known as the Ruckelshaus Process Bill, a county may elect to "opt-into" the Ruckelshaus *Voluntary Stewardship Program* (Program), provided that it do so voluntarily prior to January 22, 2012; and

WHEREAS, prior to opting-into the Ruckelshaus *Program* a county is required to confer with tribes, environmental and agricultural interests in an open and transparent manner consistent with the requirements of ESHB 1886 and provide public notice before opting-into the program; and

WHEREAS, Whitman County planning staff, in cooperation with the Washington Farm Bureau, Washington Cattlemen's Association, The Nature Conservancy, and the Washington State Association of Counties, has organized two public workshops to consider all options in compliance with ESHB 1886 and the requirement to protect critical areas with respect to agricultural activities within unincorporated Lewis County under The Growth Management Act, Chapter 36.70A RCW. These workshops also sought to inform and seek feedback from affected stakeholders and interested members of the public, including Whitman County cattlemen and wheat farmers; local conservation districts; state agencies such as the Department of Ecology, the Department of Fish and Wildlife, and the Department of Commerce; environmental organizations such as the Palouse Prairie Foundation; and Indian tribes who have a history associated with Whitman County; and

WHEREAS, following said consultation and public meetings, and in consideration of comments taken at the two public meetings, the stakeholder group, including the Farm Bureau and planning division recommends that Whitman County should "opt-into" the Ruckelshaus *Voluntary Stewardship Program*; and

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WHEREAS, after taking public comments prior to action by the Board of County Commissioners this 9th day of January, 2012, it appears to be in the best interest of the public to opt-into the Ruckelshaus *Voluntary Stewardship Program*.

NOW THEREFORE BE IT RESOLVED that the Whitman County Board of County Commissioners officially elects to opt-into the Ruckelshaus *Voluntary Stewardship Program* and adopts the following findings:

- a. Farming is vital to the economy of Whitman County and this resolution is to cover all watersheds in Whitman County;
- b. Whitman County watersheds provide critical and economically important functions that may be impacted by farming and other activities;
- c. Biological diversity within Whitman County watersheds is important to water and habitat quality and viability and may be vulnerable to potential adverse impacts, including agricultural activities;
- d. There is local leadership within the Whitman County conservation districts, local government, and other agencies and stakeholders to make the *Voluntary Stewardship Program* successful;
- e. Data relevant to the *Voluntary Stewardship Program* is available and there are watershed plans and implementation strategies that can be integrated into the *Program*;
- f. Technical assistance is available locally as necessary to develop and implement the *Voluntary Stewardship Program*; and
- g. With adequate funding, there is a likelihood of success with a local effort to establish and implement the *Voluntary Stewardship Program*.

BE IT FURTHER RESOLVED that Whitman County nominates the Snake River watershed for consideration by the State Conservation Commission as a potential priority watershed, and that by adoption of this resolution Whitman County is eligible for state grant-funding to accomplish the intent of the *Voluntary Stewardship Program*, and that Whitman County will proceed as required under ESHB 1886 to implement the requirements of the *Voluntary Stewardship Program* once adequate funding is provided by the state.

DONE IN OPEN SESSION this 9th day of January, 2012.

BOARD OF COMMISSIONERS OF
WHITMAN COUNTY, WASHINGTON

Chairman

ATTEST:

Member

Maribeth Becker, CMC
Clerk of the Board

Member

12:00 p.m. - Recess.

1:00 p.m. - Reconvene/Board Business Continued/Workshop.

Present: Eunice Coker, David Ledbetter, Bob Lothspeich, Glenda Scheideman, Lori Nails, Esther Wilson, Chris Nelson and Elias Siriani (1:00 p.m.) and Fran Martin (2:00 p.m.).

072646 39. Items discussed included high-end users permission, signature authority delegation forms, Health Department staffing level and Health Officer. No action taken.

2:15 p.m. - Adjournment.

D072646A Commissioner O'Neill **moved** to adjourn the **January 3 and 9, 2012** meeting. Motion **seconded** by Commissioner Largent and **carried**. The Board will meet in regular session, in their Chambers', in the Whitman County Courthouse, Colfax, Washington, on **January 17, 2012**. The foregoing action made this **9th** day of **January 2012**.

ss/ PATRICK J. O'NEILL, COMMISSIONER
ss/ MICHAEL LARGENT, COMMISSIONER

MARIBETH BECKER, CMC
Clerk of the Board

GREG PARTCH, CHAIRMAN
Board of County Commissioners