

Minutes for January 14, 2008

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067677 THE BOARD OF WHITMAN COUNTY COMMISSIONERS met in their Chambers in the Whitman County Courthouse, Colfax, Washington for Monday, **January 14, 2008 at 9:00 a.m.** Chairman Michael Largent, Greg Partch and G.R. Finch, Commissioners and Maribeth Becker, CMC, Clerk of the Board attended.

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

Present: Sharron Cunningham (9:00 a.m.) and Kim Kopf (9:45 a.m.)

067678 1. Items discussed included the Miller land (Rock Lake) response, CIP projects and Juvenile Division staffing level. No action taken.

9:50 a.m. - Recess.

10:00 a.m. - Pledge of Allegiance.

Present: Bob Reynolds, Paul Spencer, Joe Smillie and Maria Thomas.

D067678A 2. Motion by Commissioner Partch to accept the consent agenda with the deletion of item #1E2. Motion **seconded** by Commissioner Finch and **carried**.

067679 3. Claims/Payroll warrants numbered **211502-211528, 211551-211574, 211590-211716** and **211748-211763** for **\$1,076,402.20** approved.

FUND	FUND NAME	AMOUNT	AMOUNT	AMOUNT	AMOUNT
001	Current Expense	50,094.08	47,934.04	9,333.33	23,868.64
102	Building & Development	1,541.20	1,784.21		75.00
103	Countywide Planning	2,417.60	4,245.58		
104	Developmental Services		211.72		
110	County Roads	15,373.00	62,114.40		
111	CETC Building		42.42		
118	Inmate Welfare		207.97		
123	Paths & Trails-123.310.000		214.16		
127	Drug Enforcement-Quad City	400.00	587.10		
135	Prosecutor's Stop Grant				3,867.49
141	Washington Housing SHB 2060		4,058.25		
144	Emergency Communications-144.260.001		3,111.72		
400	Solid Waste	2,078.16	14,241.54		
501	Equipment Rental & Revolving	4,949.20	81,860.79		
513	Communications Revolving		144,505.57		
655	Hospital Districts	400.00			
660	Whitcom-General-660.911.000		529.05		
660	Whitcom-Grant Funding-660.911.001		4,033.38		
660	Whitcom-Capital Projects-660.911.002				

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690	Clearing Fund 690.002.000	153,244.84		
690	Clearing Fund 690.005.000		12,311.35	
ET	Electronic Transfer	426,766.47		

067680 3. January 7, 2008 minutes approved.

067681-067696 4. Personnel board orders approved.

067697 5. Commissioner Finch **moved**, Commissioner Partch **seconded** the motion and it **carried** to sign a letter notifying cities and taxing districts of the availability of the 2008 public facilities (.09) funds.

067698 6. Commissioner Partch **moved**, Commissioner Finch **seconded** the motion and it **carried** to approve the 2008 Community Action Center CDBG-PS grant contract #08-64008-011 (12/31/2008).

067699 7. Commissioner Finch **moved**, Commissioner Partch **seconded** the motion and it **carried** to sign a resolution adopting the 2008 IRS mileage rate of \$.505/mile.

RESOLUTION NO. 067699

BEFORE THE BOARD OF WHITMAN COUNTY COMMISSIONERS

WHEREAS, the Board of Whitman County Commissioners met in regular session on Monday, January 14, 2008; and,

WHEREAS the Board recognizes the need to reimburse county employees who use their personal automobiles for official business at a specified rate per mile for actual mileage used; and,

WHEREAS, Whitman County Code, Chapter 2.39.010 E2 specifies that the actual rate per mile be set by the Board of County Commissioners by resolution.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the rate of reimbursement per mile shall be the rate as determined annually by the I.R.S. for business use of personal automobiles. The 2008 I.R.S. rate is \$.505 per mile.

PASSED, APPROVED AND ADOPTED this 14th day of January 2008 and effective as of this date.

BOARD OF COUNTY COMMISSIONERS
OF WHITMAN COUNTY, WASHINGTON

Michael Largent, Chairman

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ATTEST:

Greg Partch, Commissioner

Maribeth Becker, CMC
Clerk of the Board

G. R. Finch, Commissioner

10:20 a.m. - Jana Mathia.

067700 8. Commissioner Finch **moved**, Commissioner Partch **seconded** the motion and it **carried** to sign a letter to Fountain Flying Service allowing them to fly over congested areas in the unincorporated areas of Whitman County during the 2008 growing season.

067701 9. Commissioner Finch **moved**, Commissioner Partch **seconded** the motion and it **carried** to reappoint Susan Weed to a 4-year term on the Citizens' Commission on Salaries for Elected Officials. Ms. Weed's term will expire December 31, 2011.

067702 10. Commissioner Finch **moved**, Commissioner Partch **seconded** the motion and it **carried** extending the use of Commissioners' journals until the end of 2008 or upon completion of Book 49 whichever comes sooner.

067703 11. A list of liquor licenses due to expire April 30, 2008 was received from the Washington State Liquor Control Board.

067704 12. Commissioners' pending list reviewed.

10:30 a.m. - **Whitman County Code.**

Present: Tim Myers, Russ and April Coggins, Paul Spencer, Maria Thomas and Joe Smillie.

067705 Chairman Largent convened the hearing for proposed revisions to Whitman County Code, Chapter 2.12 related to Parks and Recreation.

Tim Myers explained the proposed revisions would eliminate all parking fees at county parks. The fees were designated strictly for county parks and those funds will be used for the purchase of 2 new lawn tractors.

No comments received from those in attendance, therefore the hearing was adjourned. Commissioner Finch **moved** and Commissioner Partch **seconded** the motion to pass the ordinance.

Commissioner Finch stated this fee was imposed during tight financial times and did not bring in as much revenue as anticipated. Commissioner Partch added this recommendation from the Parks Board was an alternative to closing a park 2 years ago. The Board was reluctant to impose parking fees but it was better than closing a park. The funds collected will allow for the purchase needed equipment. Motion **carried**.

ORDINANCE NO. 067705

BEFORE THE BOARD OF WHITMAN COUNTY COMMISSIONERS

WHEREAS, the Whitman County Board of Commissioners met in their Chambers on this 14th day of January 2008; and,

WHEREAS, a public hearing was conducted this day to consider amendments to the Whitman County Code, Chapter 2.12 as attached:

NOW, THEREFORE, BE IT HEREBY ORDAINED that the Whitman County Board of Commissioners duly approves the attached amendments to the Whitman County Code, Chapter 2.12 as described herein.

PASSED, APPROVED AND ADOPTED THIS 14TH DAY OF JANUARY 2008.

BOARD OF COUNTY COMMISSIONERS
OF WHITMAN COUNTY, WASHINGTON

Michael Largent, Chairman

Greg Partch, Commissioner

ATTEST:

Maribeth Becker, CMC
Clerk of the Board

G.R. Finch, Commissioner

CHAPTER 2.12

PARK AND RECREATION*

Sections:

- 2.12.010 Public recreation defined.
- 2.12.020 Board--Creation and composition.
- 2.12.030 Board--Term of members.
- 2.12.040 Board--Removal of members.
- 2.12.050 Board--Powers and duties.
- 2.12.060 Purpose.
- 2.12.070 Definitions.
- 2.12.080 Park hours.
- 2.12.090 Animals in parks.
- 2.12.100 Disturbance by animals prohibited.
- 2.12.110 Horseback riding in designated areas only--Not to endanger others.

- 2.12.120 Motor vehicles--Parking in designated areas only.
- 2.12.130 Motor vehicles--Operation in designated areas only.
- 2.12.140 Trail use.
- 2.12.150 Teasing, annoying, feeding of any animal prohibited on park property.
- 2.12.160 Refuse restrictions.
- 2.12.170 Firearms and weapons permitted in designated areas only.
- 2.12.180 Fireworks.
- 2.12.190 Sales or requests for donations--Permission of director required.
- 2.12.200 Amplified music and public address systems.
- 2.12.210 Fires.
- 2.12.220 Camping area.
- 2.12.230 Violation of park rules unlawful.
- 2.12.240 Enforcement methods in county parks.
- 2.12.250 Severability.
- 2.12.260 Fines, sanctions and appeals.

* For statutory provisions on county park and recreation boards, see RCW 36.68.030 et seq.
For provisions regarding the park and recreation fund, see Ch. 3.04 of this code.

2.12.010 Public recreation defined.

"Public recreation" wherever used in this chapter means and includes, but is not necessarily limited to, all public recreational activities in or upon playground, athletic fields, camps, recreation centers, swimming pools, public buildings, parks and other suitable places, or other public lands used, owned, controlled, or operated by the county either within or without its political boundary and the activities in or upon them, and the use of the same for recreational activities to be conducted thereon. (Ord. 66916 (part), 2007).

2.12.020 Board--Creation and composition.

A park and recreation board of the county is created, shall hereinafter be called "the board," and shall consist of seven members to serve without compensation, who shall be appointed by the board of county commissioners. (Ord. 66916 (part), 2007).

2.12.030 Board--Term of members.

For the appointive positions on the Whitman County park and recreation board, the initial terms shall be two years for two positions, four years for two positions, and six years for the remaining three positions, plus the period in each instance to the next following June 30th. Thereafter, the term for each appointive position shall be six years and end on June 30th. (Ord. 66916 (part), 2007).

2.12.040 Board--Removal of members.

Any appointed county park and recreation board member may be removed by a majority vote of the county commissioners either for cause or upon the joint written recommendation of five members of the county park and recreation board. Vacancies on the county park and recreation board shall be filled by appointment, made by the board of county commissioners for the unexpired portions of the terms vacated. (Ord. 66916 (part), 2007).

2.12.050 Board--Powers and duties.

The Whitman County park and recreation board:

- A. Shall elect its officers, including a chairman, vice-chairman, secretary, and such other officers as it may determine it requires;
- B. Shall hold regular public meetings;
- C. Shall adopt rules for transaction of business and shall keep a written record of its meetings, resolutions, transactions, findings, and determinations, which record shall be a public record;
- D. Shall initiate, direct, and administer county recreational activities, and shall select and employ a county park and recreation director, and such other properly qualified employees as it may deem desirable;
- E. Shall improve, operate, and maintain parks, playgrounds, and other recreational facilities, together with all structures and equipment useful in connection therewith, and may recommend to the board of county commissioners acquisition of real property;
- F. Shall promulgate and enforce reasonable rules and regulations deemed necessary in the operation of parks, playgrounds, and other recreational facilities, and may recommend to the board of county commissioners, adoption of any rules or regulations requiring enforcement by legal process which relate to parks, playgrounds, or other recreational facilities;
- G. Shall each year submit to the board of county commissioners for approval, a proposed budget for the following year in the manner provided by law for the preparation and submission of budgets by elective or appointive county officers;
- H. May, subject to the approval of the board of county commissioners, enter into contracts with any other municipal corporation, governmental or private agency for the conducting of park and recreational programs;
- I. Shall have any other powers and duties that may be granted to county park and recreational boards by the legislature. (Ord. 66916 (part), 2007).

2.12.060 Purpose.

This chapter is declared to be an exercise of the police power of the county for the public peace, health, safety and welfare and its provisions are to be liberally construed. The park areas, playgrounds, activity centers and other facilities of the parks of the county are established by law for public recreation purposes. The primary purposes of such

facilities and parks are for the accommodation of the public as a whole and secondary for the recreational activities of community groups or other groups consistent with the use of such facilities by the public as a whole. (Ord. 66916 (part), 2007).

2.12.070 Definitions.

The terms herein used unless clearly contrary to or inconsistent with the context in which used, shall be construed as follows:

"Motor vehicle" means any self-propelled device capable of being moved upon a road and in, upon or by which any persons or property may be transported or drawn, and shall include, but not be limited to, automobiles, trucks, motorcycles, ATVs, motor scooters, jeeps, or similar type of four-wheel-drive vehicles and snowmobiles, whether or not they can be legally operated upon the public highways.

"Park" means and includes all county parks, park drives, parkways, park museums, bathing beaches and play and recreational grounds owned and controlled by Whitman County.

"Park board" means the Whitman County park and recreation board as established and created by RCW 36.68.

"Person" means all natural persons, firms, partnerships, corporations, clubs and all associations or combination of persons whenever acting for themselves or by an agent, servant, or employee.

"Trail" means any path or track designed for use of pedestrians, bicycles, in-line skates, or equestrians, and which is not of sufficient width, nor graded or paved with concrete, asphalt, gravel, or similar substance, so as to permit its use by standard passenger automobiles, or other right-of-way specifically designated and posted for nonvehicular use. (Ord. 66916 (part), 2007).

2.12.080 Park hours.

It is unlawful for any person to be in a public park when it is closed, other than park personnel and those overnight camping in approved campground areas. A park is considered closed to public use other than regular posted hours of operation as determined by the park's director. Park hours of operation shall be posted on the property. Parks may be closed due to emergencies or to protect the park and park visitors as determined by park's director and posted on site. (Ord. 66916 (part), 2007).

2.12.090 Animals in parks.

Dogs or other household pets may be exercised in county parks provided they are on a leash or carried by the person owning or having custody of the animal. It is unlawful to allow or permit any domesticated animal to run at large in any county park except in designated areas or as may be permitted for special occasions by the park's director. The person owning or having custody shall be responsible for any mess created or caused by their animal. (Ord. 66916 (part), 2007).

2.12.100 Disturbance by animals prohibited.

No person shall allow his dog or other pet or domestic animal to bite or in any way molest or annoy other park visitors. No person shall permit his dog or other pet or domestic animal to bark continuously or otherwise disturb the peace and tranquility of the park. (Ord. 66916 (part), 2007).

2.12.110 Horseback riding in designated areas only--Not to endanger others.

- A. No horses shall be permitted in any county park except where designated and posted to specifically permit such activity.
- B. In such areas as may be designated and posted for horseback riding, no person shall ride any horse or other animal in such a manner that might endanger life or limb of any person or animal and no person shall allow such horse or other animal to stand in such area or any other area of the park unattended or insecurely tied. (Ord. 66916 (part), 2007).

2.12.120 Motor vehicles--Parking in designated areas only.

No operator of any automobile, trailer, camper, boat trailer, or other vehicle, shall park such vehicle in any county park area, except where the operator is using the area for a designated recreational purpose and the vehicle is parked in a designated parking area. No person shall park, leave standing, or abandon a vehicle in any county park area after closing time, except when camping in a designated area. Any vehicle found parked in violation of this section may be towed away at the owner's or operator's expense. **Whitman County assumes no responsibility for the care and protection of any vehicle or its contents at any time the vehicle is on Whitman County property.** (Ord. 66916 (part), 2007).

2.12.130 Motor vehicles--Operation in designated areas only.

Except for emergency and service vehicles no person shall operate any motor vehicle on a trail in any county park area unless such trail has been specifically designated and posted for such use. Subject to the provisions of this section, no person shall operate a motor vehicle within the boundaries of a county park area except on roads, streets, highways, parking lots, or parking areas; provided, that traveling upon such roads, streets, highways, parking lots, or parking areas has not been prohibited by proper posting and provided that the park's director, or his designee, may give written authorization for the operation of a motor vehicle at any place within a county park when such vehicle is operated in furtherance of county business. (Ord. 66916 (part), 2007).

2.12.140 Trail use.

Unless otherwise posted, it is unlawful to use bicycles or other similar wheeled vehicles on unpaved trails and posted paved trails, with the exception of wheelchairs and strollers. Further, it is unlawful for any person to travel on a trail at a speed greater than is reasonable and prudent under the existing conditions and having regard to actual and potential hazards. In every event, speed shall be so controlled as may be necessary to avoid colliding with others who are complying with the law

and using reasonable care. Travel at speeds in excess of fifteen miles per hour on a walking, bicycling, hiking, and in-line skating trail, unless otherwise posted, shall constitute in evidence a prima facie presumption that the person violated this section. Travel at speeds fifteen miles per hour or less shall not relieve the rider from maintaining control of themselves and their equipment, and from the duty to ride with due regard for the safety of all persons. (Ord. 66916 (part), 2007).

2.12.150 Teasing, annoying, feeding of any animal prohibited on park property.

It shall be unlawful for any person in any park, in any manner to tease, annoy, disturb, molest, injure, kill, throw stones or projectiles of any kind at, or to strike with any stick or weapon, any animal, bird, fowl, or fish. It shall be unlawful for any person in any park to feed any wild animal, bird, fowl or fish except as may be authorized by the park's director. (Ord. 66916 (part), 2007).

2.12.160 Refuse restrictions.

It is unlawful to deposit any refuse, not generated in parks, in designated receptacles. (Ord. 66916 (part), 2007).

2.12.170 Firearms and weapons permitted in designated areas only.

No person, other than law enforcement officers acting in their official capacity, shall carry any firearm, nor shall any person discharge across, in, or into any park area, a firearm, bow and arrow, air or gas weapon, or any device capable of injuring or killing any person or animal, or damaging or destroying any public or private property, except in such area and under such circumstance as the park's director may designate. (Ord. 66916 (part), 2007).

2.12.180 Fireworks.

It is unlawful to shoot, fire or explode any fireworks, firecrackers, torpedo or explosive of any kind in any park unless a written permit has been obtained from the park's director. (Ord. 66916 (part), 2007).

2.12.190 Sales or requests for donations--Permission of director required.

It is unlawful to sell refreshments or merchandise or request donations in any park without the written consent of, or a concession contract with the park's director or his designee. (Ord. 66916 (part), 2007).

2.12.200 Amplified music and public address systems.

It is unlawful to operate a powered public address system or amplified music speaker system or other means of amplifying sound at any park areas without a written permit from the park's director. (Ord. 66916 (part), 2007).

2.12.210 Fires.

It is unlawful to build any fire, except in devices designed to contain such fires. Fires are allowed only in designated areas using approved devices provided therefore. Fires must be attended until "burned out." No fire will be allowed during posted "No Fire Season" as determined by park's director. (Ord. 66916 (part), 2007).

2.12.220 Camping area.

It is unlawful for any person to camp in any park except at places set aside for such purposes and so posted, except as may be permitted for special occasions by the park's director. (Ord. 66916 (part), 2007).

2.12.230 Violation of park rules unlawful.

It is unlawful to violate or fail to comply with any park rule or regulation duly adopted by the Whitman County park and recreation board and codified by the board of county commissioners. (Ord. 66916 (part), 2007).

2.12.240 Enforcement methods in county parks.

- A. Violation of the park rules may be a civil infraction.
- B. Enforcement of these provisions shall be consistent with applicable law, including RCW 36.68.080.
 - 1. Infraction Penalty. The parks and recreation fine shall be set as listed in IRLJ 6.2 subsection (b) unless otherwise specified. Repeat violations of any code shall double the fines.
 - 2. Loss of Park Privileges. In addition to any prescribed penalty, any person failing to comply with any provision of this chapter shall be subject to the loss of park or recreation facility use privileges and ejection from the county park, associated marine park area or recreation programs. The length of time of ejection shall be determined by the director at his/her discretion.
- C. The provisions of this section may be enforced by any sworn member of the Whitman County sheriff's department, departments with mutual aid agreements with the Whitman County sheriff's department, any park ranger/operations coordinator of the Whitman County parks and recreation department, and any other person designated by the director of the Whitman County parks and recreation department. (Ord. 66916 (part), 2007).

2.12.250 Severability.

The section, subsection, clause, phrase, or work in the ordinance codified in this chapter or in the supporting policy and purpose or any provision adopted by reference therein are severable and, if any is held to be invalid or unconstitutional by a court of competent jurisdiction, the remaining ordinance, policy and purpose, or any provision adopted by reference therein shall not be affected thereby. (Ord. 66916 (part), 2007).

2.12.260 Fines, sanctions and appeals.

- A. Violations, Fines and Sanctions.
 - 1. Violations and Fines. Violations will be processed by the Whitman County district court office. Fines must be paid at Whitman County district court or other authorized locations. Schedules for violations, fines, and sanctions are posted in the Whitman County parks and recreation department and on the Whitman County parks and recreation website and at the district court office.
- B. Appeals Procedure.
 - 1. Appeal to District Court. A person may appeal to district court. The application for appeal to district court shall be in writing and must be filed with district court within ten calendar days after citation is issued. (Ord. 66916 (part), 2007).

10:45 a.m. - Recess.

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

Present: Phil Meyer, Paul Spencer, Joe Smillie, Maria Thomas, John Clark, Asa Clark and John Howell.

ACTION ITEMS

067706 1. Chairman Largent convened the hearing for the proposed vacation of portions of G. Lawson and Steiner Roads.

The staff report given by Director/Engineer Mark Storey concluded it is not advisable to preserve said roads for the county transportation system. Therefore it is seen as a benefit to the county that said roads be vacated and passed to the owners of record of adjoining land. Vacation petitioner, Patricia Youell for Leon Nelson Family Trust has been advised they will no longer have access to a public right-of-way and will be landlocked as a result of the vacation.

Chairman Largent called for comments from those in support of the proposal. John Howell indicated the road is just a hindrance and Asa Clark said he had no reason to object.

No comments were received in opposition to the proposal.

Mark Storey reviewed the Engineer's cost of the vacation totaling \$1,303.90. After the \$1,000.00 deposit a balance of owing is \$303.90.

Commissioner Largent adjourned the hearing.

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Commissioner Partch **moved** Commissioner Finch **seconded** the motion to accept the County Engineer's report and approve the intent to vacate and abandon a portion of County Road No. 5460, Steiner Road and No. 5480 G. Lawson Road and to execute the resolution when all fees are paid. Commissioner Finch is glad to get all unnecessary pieces of county roadway off the books for liability purposes. Motion **carried**.

067707 2. Commissioner Finch **moved**, Commissioner Partch **seconded** the motion and it **carried** to publish the notice of call for bids for one new 2008, 4WD, crew cab, mid-size utility pickup for Sheriff's Office.

Maintenance Division:

D067707A 3. Phil Meyer reported no snow removal was conducted over the weekend.

067708 4. Copies of the county's windshield damage policy that has been in place for 20+ years was distributed. Commissioner Finch said as the County's Risk Manager, this is a tough issue, but eventually it all comes back on the county's insurance. This policy basically mirrors the state's policy.

11:30 a.m. - Board Business Continued/BOCC Workshop.

Present: Mark Storey, Mark Bordsen and Joe Smillie.

D067708A 14. Planning related items discussed. No action taken.

12:00 p.m. - Recess.

1:00 p.m. - Tim Myers and Lorraine Fulfs, Developmental Services.

Present: Gary Kopf, April Coggins, Maria Thomas, and Joe Smillie.

Commissioner Finch was temporarily unavailable.

D067708B Tim Myers opened discussion by saying the Developmental Services Housing Committee has been working on Developmentally Disabled housing for the county's two aging houses rented by Developmentally Disabled individuals. The county contracts with LMK to provide residential services to the DD clients working out of both the Hughes and Epton House.

These two facilities are getting older and maintaining them on a regular basis has been a challenge for many years because the county does not have the fiscal resources or the manpower.

Another problem is that the renters are aging and both facilities are 2-story creating issues for the renters, specifically at the Epton House because all living quarters are on the second floor. Just getting into the house requires going up a flight of stairs. As these clients age, it

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has become more of a challenge and the contractor is concerned about their client's safety and health.

In reviewing possible options, the Housing Committee contacted the Community Action Center (CAC) (owner of the new Hillside Courts in Colfax that houses 4 DD individuals) and other entities, both private and public that might have appropriate land for a new DD housing facility.

With grant funding, CAC purchased, remodeled and maintains a facility next to Hillside Courts called "Johnson House" and it too houses 4 DD individuals. Their model seems to be a good one. Their rent structure is somewhat different from the county's schedule because CAC has Section 8 capabilities which work very well for DD individuals.

The Committee recently met with Dale Miller of CAC and an architect. Since the Hughes House has a large lot they are looking at the concept of constructing a one-floor, second facility on the same property similar to Hillside Courts floor plan with 4 studio apartments and a common living area.

1:10 p.m. - Devin Rokyta, Dave Johnson and Russ Coggins.

Lorraine Fulfs talked about her partnership with CAC in the development of Hillside Courts that she felt worked well. The facility has good access to the downtown area and a similar facility would work well for their Pullman clients.

If one of the two county houses was going to be rehabilitated, the Hughes House would be the best choice based on all the stairs at the Epton House. The remodeled Johnson House is 2-story but only the more ambulatory clients are upstairs. These facilities provide a good quality of life for the people living there.

1:15 p.m. - Rory Curtis and Don Nelson.

The Pullman clients need their own facility and the Hughes property would work wonderful. Two of their eight Pullman clients would qualify for Section 8 housing at this time. Everyone else is funded based on their personal situations. Ms. Fulfs was very much in favor of again partnering with CAC on this project.

Tim Myers confirmed Chairman Largent's inquiry that the plan is for Whitman County to divest its ownership of these buildings to CAC.

There are grant funds available earmarked for Developmental Disabilities. The plan is to partner with CAC to build a new facility that will house 4 individuals behind the Hughes House. They would then move the individuals from the Epton House to either the new facility or the Hughes House at which time the Epton House would be sold. Proceeds from the sale would be

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used to remodel the Hughes House. There would then be a change in ownership from the county to the CAC.

The Committee did not want to pursue this any further without the support of the commissioners. In the meantime, Mr. Myers will verify with the state whether or not this is a viable alternative. With the commissioners' support CAC will move forward with the application process but are requesting a letter of intent from the county by February 1st. The total grant proposal would be submitted to the state by the end of March.

Commissioner Partch was very supportive of the idea based on available funding at the state level, knowing CAC has the ability to stay on top of this kind of thing if the responsibility is shifted to them and knowing that the DD Board feels this is in the best interest of the clients.

Chairman Largent echoed Commissioner Partch' comments and said it makes much more sense for an organization with the organizational skills and expertise in managing these types of homes. He personally encouraged the committee members to move forward as articulated today and to brief the Administrative Services Director about the project.

Mr. Myers pointed out there are currently two projects on the CIP list related to Hughes House improvements and the Epton House roof. He recommended both projects be put on hold for now.

1:30 p.m. - Hawkins Companies Infrastructure Proposal Public Comment Period.

Present: Gary Kopf, April Coggins, Russ Coggins, Devon Rokyta, Dave Johnson, Rory Curtis, Don Nelson, Ed Schultz, Bob Schultz, Bob Lothspeich, Bev Divine, Sharron Cunningham, Denis Tracy, Jack McLaughlin, Tom Forbes, Paul Kimmell, Maria Thomas, Evan Ellis and Joe Smillie.

D067708C The Chairman explained this is not a hearing, but rather a public comment period concerning the proposed Hawkins Companies infrastructure public/private partnership.

Bob Schultz a 70+ year resident of Whitman County wondered why the citizens were here. He asked if this was a public hearing, is the Board gathering testimony that may later jeopardize their position and are there some gray areas that haven't been explored with respect to the open meeting laws.

Chairman Largent reiterated this is not a public hearing. The Board can proceed with bonding on their own authority. Because of the timeliness of and magnitude of this issue, the Board wanted to provide the public an opportunity to comment on how they feel about the project, not only in this setting but individually. Due notice about this meeting has been provided; is on their agenda and was on the radio. Chairman Largent

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confirmed this is a legal public meeting. Commissioner Partch added it is the Board's intent to make a decision on the proposal on January 28th.

Gary Kopf, a property owner in the corridor with several developments underway in the corridor asked for a brief summary of the proposal.

Chairman Largent said essentially the proposal from Hawkins Companies is that Whitman County provide public infrastructure in the corridor to allow for development. The county is still working on the amount of that investment. It would likely involve a general obligation bond to provide the front-end money to make this happen. Commissioner Partch interjected that the revenue received from users of the infrastructure and future sales tax would repay the bond.

Ed Schultz, a member of the Water Conservancy Board, asked where water/sewer would be derived. Chairman Largent responded it is his understanding the water rights currently pending must first be secured in a sufficient amount before the county would make any investment. Mr. Schultz inquired if this proposal is basically for infrastructure for the Hawkins development. Chairman Largent said that is essentially correct, but he didn't believe it limits the county's options in the future. However, at this particular time, it is the county's only option.

April Coggins of Pullman said she was very excited about Hawkins developing in the corridor and is very pleased that the county is considering the bonding which is a step forward for the benefit of future generations rather than still talking about infrastructure in the corridor 10 years from now. Ms. Coggins was confident the commissioners would approach everything responsibly and carefully.

Tom Forbes of Pullman indicated in the evening from the air, it is very noticeable where the state line is based on lighting. Many opponents of this development, particularly in Moscow, are referring to this development as the sprawl mall. Nothing can be further from the truth. This proposal is just a logical and natural extension of all the shopping already on the Pullman-Moscow Highway in Moscow. It would simply be extended into Whitman County. It is reasonable development, smart growth and he was very strongly in support of the proposal. As a member of Businesses and Residents for Economic Opportunity (BREO) it is their hope the county can once again work cooperatively with the City of Moscow to everyone's benefit versus a contentious relationship that has been experienced over the past couple years and that the City of Moscow can continue with regards to services for the Hawkins Companies development. On behalf of BREO he thanked Hawkins for their patience and faith for the economic potential in Whitman County.

Don Nelson of Colfax was not against development but wondered why Hawkins wants the county to finance the infrastructure. Chairman Largent understood that Hawkins has invested so much money on the water rights

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issues increasing the development costs to such a point thus far in citing the project that they are asking for a public/private partnership to keep this project a reality.

Commissioner Finch offered copies of financial costs provided by Hawkins the previous week to anyone interested. Basically, the reason Hawkins is asking for the county's assistance is that from the time they began this process to date their costs have ballooned. They are a company in business and if they don't think it will pencil out on the bottom line they may lose interest and walk away from the project.

The commissioners haven't signed off on this and there will be another public comment period January 22nd at 2:30 p.m. Commissioner Finch said he wants the people of Whitman County to be confident that this is a good proposal. The Board is working on the concept if they aren't willing to step up and be involved, maybe we don't deserve to have the Hawkins development. If this is not a good project for Whitman County, Commissioner Finch said he wouldn't be afraid to walk away from it. So far, he feels very comfortable with the project. He has been working with the Hawkins Companies for about 3 years and the county is now to the point of stepping up or saying we don't have an interest and Hawkins will take their development ideas elsewhere.

Mr. Nelson asked if the county is going to help the next developer that approaches them. In a perfect world Commissioner Finch said a developer should develop 100% on their own dime. Hawkins has made it very clear that they either have the county as a partner or they will probably walk.

Bob Schultz made it clear he is for development but was also a little concerned about the pathway being taken to get to that development stage. Hawkins is asking for a \$10 million loan from the citizens of Whitman County. He has a little trouble being sympathetic with Hawkins if their due diligence was so bad with the start up costs for this project that they missed it this far. It sounds like they got in over their head in a down market and are now asking the citizens of Whitman County to bail them out. He asked if any thought was given to them bonding the \$10 million and then Whitman County allowing them to recapture that investment through reduced taxes.

Commissioner Finch didn't believe state law allows the county to reduce tax burden, only the legislature can do that.

Commissioner Partch indicated these types of partnerships are done throughout the state. The manner in which the bond would be repaid is derived from increased property taxes (developer), new sales tax and user fees.

Gary Kopf agreed that these public/private partnerships are common place throughout the state and a good way for development to begin occurring in

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all of Whitman County and not just in the corridor. Another example of what he believed might be a great public/private partnership is the on-going revenue sharing discussions and extending utilities from Pullman. He is aware of 300 acres in the corridor waiting for housing and 210 acres zoned in the city limits that could use utilities. With the county's help in getting utilities to these acreages it would provide commercial and retirement housing development. He suggested looking at infrastructure in all areas of the corridor and working with other municipalities. The development costs incurred before any earth work is moved eats up all the developers' revenue.

Tom Forbes said this has been on-going since the fall of 2005 and after 2 years we would probably have been much further along in the regulatory permitting process if not for the various appeals filed by the City of Moscow. First, a SEPA appeal later done away with because Hawkins withdrew their initial SEPA plan and now we have the water rights transfers in appeal (3) that won't be heard until June. (Hawkins is appealing the 4th transfer). He knows that these appeals have certainly been a cost factor for the project. An appeal by a neighboring municipality might be an area Hawkins did not include in their initial costs estimates.

Sharron Cunningham, Whitman County Administrative Services Director said contrary to a previous comment, Whitman County is not loaning Hawkins \$10 million. Through the bonding process, the county would be incurring debt and expending the funds. The county would be creating and owning infrastructure. All infrastructure projects would be signed off by the County Engineer with the funds remaining in the county's total control.

April Coggins said it is very important to realize that the infrastructure would belong to the county that others will be able to tap into. Infrastructure is a necessary part of civilization and creating economic opportunity.

Commissioner Finch thought there might be a misunderstanding. The site would be leveled and prepared at Hawkins expense. The county is being asked to participate in a water, sewer, storm drain and road infrastructure system. The county would be responsibility for the roads but not the access portion leading into any private business. The roads leading up to the access portion of the private property will then be considered additional county road miles. Parking lots are the responsibility of the developer.

Users of the infrastructure would pay usage fees just like any city residents. The users would have to pay to hook onto the system as well as a monthly utility fee for water and sewer.

In response to a question from Joe Smillie, Commissioner Finch said Hawkins would purchase water from the county.

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Chairman Largent clarified the idea of this investment is that the county would recoup any investment plus a return to the rest of the county to provide additional capacity for services.

Ed Schultz asked if the Board has taken any formal stance with the Governor to ask for priority treatment of the water rights appeals process. Commissioner Partch responded that has been done orally.

Mr. Schultz also asked if the water rights are approved by the state for Hawkins would they in turn be transferred to the county and Commissioner Finch said yes, the county would own the water rights.

Don Nelson wondered if the county would reimburse Hawkins for the cost they incurred for the water rights. Chairman Largent replied no. Hawkins would transfer the water rights to the county at no cost and then the county would charge Hawkins to use the water.

Evan Ellis wondered if a transfer from Hawkins to the county would have to go before the Water Conservancy Board again. Ed Schultz was 75% certain Hawkins would have to apply for a transfer of water rights to the county which would go before the Water Conservancy Board.

Russ Coggins noted he was in favor of this infrastructure sharing plan.

The Chairman asked if anyone in attendance had any strong objection to the general concept as presented and no comments were received.

Chairman Largent reminded everyone that the Board is quite willing to hear from anyone with concerns or questions.

Commissioner Partch said the county is currently doing its due diligence by checking figures and talking to other public/private partnership. Another public comment period will be held January 22nd at 2:30 p.m. at which time they can have representation by the Hawkins Companies in person or by phone.

The Chairman thanked everyone for coming.

2:00 p.m. - Board Business Continued/BOCC Workshop.

Present: Denis Tracy, Sharron Cunningham, Bob Lothspeich, Bev Divine, Mark Storey, Jack McLaughlin, Gary Kopf and Joe Smillie.

D067708D 15. Financial aspects of the Hawkins Companies proposed infrastructure project and the Classification System discussed. No action taken.

3:45 p.m. - Board Business/Executive Session.

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Present: Denis Tracy and Tim Myers.

D067708E 16. Commissioner Partch **moved**, Commissioner Finch **seconded** the motion and it **carried** to go into executive session with the above individuals until 4:20 p.m. for a real estate matter.

4:20 p.m. - Return to Open Session/BOCC Workshop.

Present: Kelli Campbell and Sharron Cunningham.

D067708F 17. The item discussed was the Classification System. No action taken.

4:45 p.m. - Recess.

D067708G THE BOARD OF WHITMAN COUNTY COMMISSIONERS met in their Chambers in the Whitman County Courthouse, Colfax, Washington for **Tuesday, January 15, 2008** at **2:00 p.m.** Chairman Michael Largent, Greg Partch and Maribeth Becker, CMC, Clerk of the Board attended. Commissioner Finch was attending another meeting.

2:00 p.m. - Reconvene/Board of Health.

Present: Fran Martin, Michael Baker, Maria Thomas and Jana Mathia.

D067708H 1. Fran Martin notified the commissioners that Dr. Moody has resigned from Palouse Medical Group. He will be unavailable for the next 3 Board of Health meetings as he will be attending training for tropical medicines in London. Arrangements have been made to accept his calls and have various means of communication with him during his absence. This is an opportunity for Dr. Moody to pursue an area of interest.

D067708I 2. Ms. Martin mentioned a Pertussis outbreak in the county involving a young student on a basketball team. All the exposures this involved with the team and traveling to other locations has caused the department to use other funds to cover expenses for the vaccines and antibiotics needed. In total, the department administered 60+/- shots. Because the Health Department is not considered a primary care provider, they do not have the ability to bill private insurance companies for medication reimbursement. Often time they try to get the medication from the doctor and who can bill the insurances in which case the Health Department is repaid for the vaccines. With this particular case being as large as it was, it would have been too difficult to proceed in that manner. Their primary concern was immunizing everyone as soon as possible.

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D067708J 3. According to the Director, when Dr. Moody returns, he will be updating the Communicable Disease Manual.

D067708K 4. Michael Baker reported John Skyles will be gone beginning tomorrow until February 1st but he will be available by phone.

D067708L 5. Mr. Baker said the car crushing project is moving forward. Cindi Lepper has taken the lead on this project and advertising the event will begin in a few weeks.

D067708M 6. The 2008 food program billings have been mailed.

D067708N 7. The Department will begin the WSU Greek Life inspection of fraternities and sororities in the next couple weeks. This year WSU has decided to give the houses a one-shot chance only meaning the houses must pass the first inspection or they cannot house freshmen.

067709 8. The Department is in the process of updating the Food Service Establishment Policy. With changes to the Washington State Working Document, it is necessary to modify our Policy. Flyers were included in the annual restaurant billings inviting participating in this process.

D067709A 9. The Public Health Standards has been consuming much of the entire Department's time. It is basically an audit by the State Department of Health to see how our programs are reaching out to the communities and how we obtain community involvement through our central services and core functions. All required paperwork will be submitted April 1st; the state will be here April 14th. This audit was last conducted in 2004. The state reported at a training Mr. Baker attended that about one-half of the County Health Departments received an approximate 50% rating on the deliverables for the standards. The state is being much less flexible this year than in the past.

D067709B 10. Chairman Largent talked about a recent invitation sent to Environmental Health from the Department of Ecology (DOE) to participate in a program suggesting or offering to enter into a memorandum of agreement (MOU) with DOE to evaluate the placement of exempt wells. The Chairman pointed out before entering into any MOU with DOE, further discussion is required.

D067709C 11. The Director provided a brief staffing report.

D067709D 12. Ms. Martin said the Department is forming teams with older young adults to mentor younger teens about not smoking.

067710 13. The Director reviewed proposed revisions to the Public Health Fee Schedule. This item has been set for the Commissioners' January 22nd agenda.

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D067710A 14. The move by the Weed Department to the CETC Building has been completed. Emergency Communications is now in the process of securing furniture for the Communications Engineer which should be done by the end of the month. The front office area will be used for program support.

D067710B 15. Emergency Management is forwarding all entities their inventory to update for their area.

D067710C 16. Ms. Martin said the Department is working with Public Works to obtain a pickup through ER&R for the Communications Engineer. This method will allow for a replacement vehicle down the road.

D067710D 17. Emergency Communications is working with Information Services on setting up the CETC Building as the Emergency Operations Center (EOC) (evacuation site) and ordering the necessary equipment.

D067710E 18. The next Board of Health meeting is February 19th.

2:45 p.m. - Board Business Continued/Executive Session.

Present: Fran Martin.

D067710F 18. Commissioner Partch **moved**, Commissioner Largent **seconded** the motion and it **carried** to go into executive session with the above individual until 3:00 p.m. for a real estate and personnel matter.

3:00 p.m. - Return to Open Session/Adjourn.

D067710G Commissioner Finch **moved** to adjourn the **January 14 and 15, 2008** meeting. Motion **seconded** by Commissioner Partch and **carried**. The Board will meet in regular session, in their Chambers', in the Whitman County Courthouse, Colfax, Washington, on **January 22, 2008**. The foregoing action made this **15th** day of **January 2008**.

ss/ GREG PARTCH, COMMISSIONER

ss/ G.R. FINCH, COMMISSIONER

MARIBETH BECKER, CMC
Clerk of the Board

MICHAEL LARGENT, CHAIRMAN
Board of County Commissioners