

Minutes for January 19, 2010

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070261 THE BOARD OF WHITMAN COUNTY COMMISSIONERS met in their Chambers in the Whitman County Courthouse, Colfax, Washington for **Tuesday, January 19, 2010 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/BOCC Workshop.

Present: Kelli Campbell (9:20 a.m.).

070262 1. Items discussed included COA&HS/HR write off, MRSC research, Courthouse hours and vacation hearings. No action taken.

9:45 a.m. - Pledge of Allegiance.

Present: Kelli Campbell.

070262A 2. Motion by Commissioner Largent to accept the consent agenda. Motion **seconded** by Commissioner O'Neill and **carried**.

070263 3. Claims/Payroll warrants numbered **235767-235768, 235771-235772, 235775-235783, 235786-235838, 235841-235863** and **235887-235912** for **\$608,320.62** approved.

FUND	FUND NAME	AMOUNT	AMOUNT	AMOUNT	AMOUNT
001	Current Expense	53,670.1	2,131.06	19,940.41	17,501.36
101	Self Insurance				1,000.00
102	Building & Development	1,659.60			228.29
103	Countywide Planning	3,120.20			599.07
110	County Roads	16,992.40			9,587.26
118	Inmate Welfare				364.24
127	Drug Enforcement-Quad City	400.00			181.17
128	Crime Victims/Witness-Pros. 000	350.00			
135	Prosecutor's Stop Grant	150.00			
138	Federal Equitable Sharing				8,100.00
144	Emerg. Communicat. 144.260.001	250.00	2,400.00		
300	CIP Asset Acquisit. 300.010.001				783.17
300	CIP Computer 300.010.003				6,036.80
400	Solid Waste	800.00			6,124.79
501	Equipment Rental & Revolving	5,047.40			6,862.39
513	Communications Revolving	506.21			5,789.93
690	Clearing Fund 690.002.000				236,673.60
690	Clearing Fund 690.005.000	14,827.95	178,130.05		
690	CAC Agency Svc. 690.026.001				12,113.09

070264 4. January 4, 2010 minutes approved.

070265-070273 5. Personnel board orders approve.

070274 6. Kelli Campbell explained a proposed write off in the amount of \$6,135.40 for medical premiums for a former Council on Aging & Human Services employees noting attempts to collect the funds have been unsuccessful. Commissioner O'Neill **moved** Commissioner Largent **seconded** the motion and it **carried** to approve the write off resolution as presented by Ms. Campbell.

RESOLUTION NO. 070274

WHEREAS, the Board of County Commissioners for Whitman County, State of Washington, met on January 19, 2010 in regular session; and

WHEREAS, the Council on Aging dropped Gail Griggs from Washington Counties Insurance Fund medical insurance on July 1, 2007; and

WHEREAS, the County did not catch the change on the Council on Aging's medical listing until December 2008 and continued to pay Ms. Grigg's medical premiums; and

WHEREAS, a partial credit \$3,681.24 was provided by Washington Counties Insurance Fund and the remaining balance is \$6,135.40; and

WHEREAS, the County has requested payment for \$6,135.40 from the Council on Aging and not received payment; and

WHEREAS, this adjustment may be made through the journal voucher process;

NOW, THEREFORE BE IT RESOLVED that the listed amount be declared not collectable and removed from the financial records of Whitman County.

PASSED, APPROVED, AND ADOPTED this 19th day of January, 2010.

BOARD OF COUNTY COMMISSIONERS
OF WHITMAN COUNTY, WASHINGTON

Greg Partch, Chairman

Patrick J. O'Neill, Commiss.

ATTEST:

Maribeth Becker, CMC
Clerk of the Board

Michael Largent, Commissioner

9:55 a.m. - Joe Smillie.

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comprised of volunteers appointed to make recommendations to elected officials and excluding the County Law Library.

Personal Data - Any information concerning a citizen that, because of name, identifying number, mark or description, can be readily associated with a particular individual including information contained in printouts, forms, written analysis or evaluations.

Personal Identifying Data - Social security number, date of birth or mother's maiden name.

Public record - Any writing containing information relating to the conduct of government or the performance of any County function prepared, owned, used or retained by any County agency regardless of physical form or characteristics. For purposes of this chapter public record does not include court case files.

Electronic record - Any public record which is stored or maintained in machine-readable file format.

Writing - Handwriting, typewriting, printing, photostating, photographing and every other means of recording any form of communication or representation including, but not limited to, letters, words, pictures, sounds, or symbols or combination thereof and all papers, maps, magnetic or paper tapes, photographic films and prints, motion picture film and video recordings, magnetic or punched cards, discs, drums, diskettes, sound recordings, and other documents including existing data compilations from which information may be obtained or translated.

1. Whitman County Complies with Public Record Laws

The purpose of this Chapter is to provide rules by which the County implements and ensures compliance with the provisions of the Washington Public Records Act, Chapter 42.56 RCW, and other applicable laws relating to the nonexempt public records in custody or and/or maintained by Whitman County. This Policy does not apply to public records of the State of Washington, such as the records of the Administrative Office of the Courts (AOC), the Washington State Patrol (WSP), the Department of Licensing (DOL) and the Department of Corrections (DOC), that may be available to the County's employees by virtue of digital connectivity.

The provisions of this Chapter shall be liberally interpreted and construed to promote full access to the County's public records in order to assure continuing public confidence in government: provided, that when making public records available the County shall prevent unreasonable invasions of privacy, shall protect public records from damage or disorganization, and shall prevent excessive interference with essential government functions.

2. Public Records Shall be Provided to the Public

Public records shall be made available for public inspection and copying pursuant to this Chapter, except as otherwise provided by law.

Access to public records does not include access to County computer systems or terminals except for those terminals, if any, which may be specifically designated for public use.

Whitman County employees are under no obligation to create documents in the course of fulfilling a request. Nor are they required to perform research, retrieve data, provide analysis, information or any report relating to the conduct of County business when no document exists that is responsive to the request.

3. Information Exempt from Disclosure Shall Not be Released

The County shall publish and maintain a list of laws, other than those specifically set forth in the Public Records Act that the County believes exempt or otherwise prohibit disclosure of public records or information contained in public records. Public records and information exempt from disclosure, in whole or in part, under the Public Records Act or any other law are exempt from disclosure under this Chapter whether or not such exemption is on any list of exemptions published and maintained by the County.

4. Public Records Officer(s) Shall be Designated

A Public Records Officer, or designee, shall serve as the point of contact for members of the public who request disclosure of public records. Each Public Records Officer shall be responsible for implementation of and compliance with this Chapter and the Public Records Act. Each Public Records Officer shall make his/her name and contact information available to the public in a way reasonably calculated to provide notice to the public, including posting in administrative offices, on the County's web site and, and at the discretion of the Public Records Officer, in selected County publications.

- A. The Clerk of the Board of County Commissioners is the Public Records Officer for the Board of County Commissioners.
- B. Unless otherwise designated by the Board of County Commissioners, the Chair of each county agency, bureau, committee, board and commission shall act as the Public Records Officer. Requests for contacting the Chair(s) may be made to the Whitman County Commissioners' Office or to the corresponding county department.
- C. Unless otherwise designated, each elected official and department head is the Public Records Officer for the offices and departments of Whitman County.
- D. The Public Records Officer for the superior court judge shall be the Superior Court Administrator.
- E. The Public Records Officer for the district court judges shall be the District Court Administrator.

F. An alternate Public Records Officer shall be designated by each appointing authority to act when the designated Public Records Officer is absent or otherwise unavailable to act.

5. **Public Records Requests Shall be Made in Writing**

A request for public records shall be directed to the Public Records Officer for the office or department having custody or control of the requested records. If the location of records is unknown, then the request may be made to the Board of County Commissioners.

A request for public records shall be made in writing and include the following information:

1. The requester's name, mailing address, and telephone number;
2. The date of the request;
3. A clear indication that the document is a "Public Records Request;"
4. Whether the request is to inspect the public records or for copies of public records, or both;
5. A clear description of the public records requested for inspection and/or copying and the office or department having custody of the public records;
6. If the request is for a list of individuals, a statement that the list will not be used for any commercial purposes or that the requester is authorized or directed by law to obtain the list of individuals for commercial purposes, with a specific reference to such law; and
7. Whether the request is for printed or digital copies of the public record.
8. If an elected official or department maintains indexed records specifically for public inspection and copying, the Public Records Officer may permit inspection and copying in response to an oral request. However, the Public Records Officer shall require a written document if the request is for, or the response may include, any of the following:
 - a. A list of individuals;
 - b. Categorical requests not identifying a specific public record;
 - c. Subjects of current, threatened or potential litigation;
 - d. More than 100 pages;
 - e. Reproduction of oversized documents such as maps, surveys, large format photographs or color reproduction; or
 - f. Public records or information exempt from disclosure.

Other verbal requests may be honored when the request is uncomplicated and can be handled quickly and informally. The Public Records Officer may ask that any verbal request be put in writing. The individual responding to the request shall make a record of the

request containing the information listed above and retain that record in accordance with state retention laws.

Whitman County maintains a record of all public records requests, verbal and written.

The County shall develop and maintain forms to facilitate public record requests.

Requests for inspection or copying of public records maintained by an agency of the State of Washington or another government agency must be made to such agency and will be subject to that agency's rules and regulations, including required forms and fees.

6. Record Requests Shall be Made During Regular Business Hours

Public records shall be inspected at the offices of the elected official or departments having custody or control of the records. Public records shall be available for inspection during the regular office hours excluding legal holidays: provided, that there is no obligation to allow inspection immediately upon demand. A Public Records Officer may request that the person seeking to inspect public records schedule an appointment for inspection.

Consistent with other demands and resources, each County agency may adopt policies and prevent the fulfilling of public records requests from causing excessive interference with the essential functions of said agency.

The public should contact each office to determine office hours available.

7. Public Records Officers Shall Respond to Requests

The Public Records Officer shall, to the extent practicable, assist requesters in identifying the public records sought.

There is no obligation to allow inspection or provide a copy of a public record on demand.

Within five business days after receiving a public record request, the Public Records Officer shall respond to the request in writing. The Public Officer shall make one or more of the following responses:

1. The request for inspection of public records is approved and whether an appointment for inspection needs to be scheduled by the requester;
2. The request for copies of public records is approved and the copies of all requested records are enclosed with the response;
3. The request has been received by the Public Records Officer, that additional time is needed to respond to the request, and stating a reasonable estimate of the time required to respond;
4. The request has been received by the Public Records Officer and the records shall be provided on a partial or installment basis

as the records are identified, located, assembled and/or made ready for inspection or copying; or

5. The request is denied, in whole or in part, whether by withholding a requested record or redacting a requested record, stating the specific exemption(s) prohibiting disclosure and a brief explanation of how the exemption applies to each withheld and redacted record (See Exemption Log).

The Public Records Officer shall immediately notify the requester if, after responding to a request for public records and approving the request, the Public Records Officer identifies requested public records or information that are exempt from disclosure.

The Public Records Officer shall also notify the requestor if, after responding with the request, he/she becomes aware of additional responsive documents existing at the time of the request.

Additional time to respond to a request may be needed and based upon the County's need to:

1. Clarify the intent of the request;
2. Identify, locate, assemble and/or make the records ready for inspection or disclosure;
3. Notify third persons or agencies affected by the request; or
4. Determine whether any of the records or information requested is exempt from disclosure and whether a denial should be made as to all or part of the request.

If a requester fails to clarify the request within fourteen calendar days after receiving a response from the Public Records Officers seeking clarification, the Public Records Officer need not respond further to the request.

If the Public Records Officer does not respond in writing within five working days after receipt of a request for public records, the requester shall be entitled to request review by either the Public Record Officer's elected official or department head.

If the Public Records Officer provides an estimate of the time required to respond to the request and the requester believes the amount of time stated is not reasonable, then the requester may request that the Public Record Officer's elected official or department head review the estimate of time.

When a request for public records is received that concerns a subject known to involve litigation that is pending, threatened or anticipated, the Public Records Officer shall promptly notify the Prosecuting Attorney of the request.

8. Copying and Delivery Fees May Apply

Whitman County may not charge fees concerning the following circumstances:

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1. No fee will be charged for the inspection of a public record.
2. No fee will be charged for locating public records in response to a request and making the records available for inspection or copying.
3. No fee will be charged for searching for public records, redacting portions of a record which are exempt from disclosure, or preparing an index of exempt documents.

The following fees are allowable for charge to the requestor:

1. A reasonable fee will be charged to reimburse the County for the costs of providing copies. The Public Records Officer may waive the fee on the basis that the expense of processing the payment exceeds the costs of providing the copies.
2. A reasonable fee shall be charged to reimburse the County for the cost of delivering copies of public records to a requester, including the cost of packaging the copies for delivery and the cost of postage or delivery service.
3. Any request for which the response will be more than 100 pages of documents, oversized documents, color photographs or reproductions, tape recordings and computer disks may be sent to a private copying service for copying, in which case the copying fee shall be the actual charge imposed for copying, plus applicable taxes and shipping costs.
4. The Public Records Officer may require that all copying and delivery fees be paid in advance of the release of the copies.
5. Statutory Charges. The fee for searching records, research, and/or providing a copy of a public record may be set by statute. Where the state or federal law sets a fee, that fee will be charged. Court papers (RCW 3.62.060), duplication of electronic tapes of a court proceeding (RCW 3.62.060); traffic accident reports (RCW 46.52.085); and criminal history information (RCW 10.97.100) are examples.
6. Unless a fee is fixed by another federal, state or county ordinance, a reasonable fee may be imposed for providing records. Such charges shall not exceed the amount necessary to reimburse the County. Charges shall be imposed in accordance with the actual costs established and published by County departments, offices, agencies, boards, bureaus, divisions or commissions. Fee information may be obtained through the appropriate Public Records Officer(s).
7. The Public Records Officer may require a deposit in an amount not to exceed ten percent of the estimated cost of providing requested public records. If the Public Records Officer responds to a request on a partial or installment basis, the requester shall be charged for each part or installment responding to the request. If a partial or installment response is not paid for, claimed or reviewed by the requester, the Public Records officer is not obligated to fulfill the balance of the request.

9. **Records Shall be Protected**

Each Public Records Officer shall, to the extent practicable, insure that records requested are not misplaced or misfiled by members of the public during inspections and not removed from the County office. Original public records shall not be released to the public, except in the use of a professional copier.

No person shall knowingly alter, disorganize, deface or destroy public records of the agency.

The Public Records Officer is authorized to promulgate policies to ensure, to the extent practicable, that requested records are not removed from the premises nor portions thereof removed by members of the public.

If a public record request is made at a time when a record exists, but the record is scheduled for destruction in the near future, the Public Records Officer shall direct that the record be retained until the request is resolved.

10. **Providing Backup and Security Copies is Not Required**

In order to prevent excessive interference with essential functions of the County, the County shall not search backup or security systems for copies of public records when the originals of such records have been identified, located and are available for inspection and/or copying.

11. **Denials of Records are Subject to Appeal**

Any person who objects to the denial of a request for a public record may petition in writing the elected official or department head of the agency delivering the information. The elected official or department head shall respond within two business days of receipt of the petition.

A requester's administrative remedies shall not be deemed exhausted until the appropriate elected official has made a written decision.

The County shall be deemed to have made a final decision denying a request for public records only after a review conducted under this section has been completed.

12. **Records May be Provided in an Electronic Format**

The County produces and maintains data in various electronic machine-readable formats to maximize efficiency in fulfilling its basic public service functions. These electronic records relate to the operation and conduct of County government and typically include such things as financial data, property records, property assessment records, filed documents, maps, etc.

Electronic records are public records subject to disclosure under the Public Records Act and this Chapter, unless exempt from disclosure under state or federal law or the request is for proprietary data which the County has obtained under a licensing agreement that does not permit disclosure to third parties.

At the option of the Public Records Officer, electronic records may be printed and provided in paper format. The electronic record may also be provided in the digital format in which the record is maintained by the County. The County does not have the obligation to convert an electronic record to a digital format that is different than the format maintained by the County.

Fees for providing electronic records in electronic form shall be based on the actual cost of the media used to provide the records. Overhead for information system acquisition and maintenance shall not be included in such fees.

The County does not warrant or in any way guarantee the accuracy or completeness of electronic records. Requesters receiving electronic records shall be required to sign an acknowledgement of such disclaimer.

13. A Request Form and Copies of this Policy Are Available

Copies of this Chapter and public records request forms shall be available to and provided to the public, without cost, at each County office. Electronic copies shall be made available to the public on the County's website.

14. Denials of Exempted Records May Occur

Each County agency has the right to determine that a public record requested in accordance with the procedures outlined in this policy is exempt under the provisions of the Washington Public Records Act or other law (See Appendix A). Each County agency reserves the right to delete identifying details when it makes available or publishes any public record, in any cases when there is a reason to believe that disclosure or such details would be an invasion of personal privacy protected by the Washington Public Records Act or other law.

Public Records Officers should read the exemptions for public records and consult the lists of provisions that exempt or prohibit disclosure of documents or information on public records on a regular basis. Listed below are some of the subjects of exemptions which may present concerns regarding disclosure. This list is not exhaustive and shall not be construed to mean all the items are automatically exempt from disclosure. Any denial of a request for public records should refer directly to the reference under state or federal laws. If a request concerns any of the following topics, the Public Records Officer should closely examine the request and the applicable

statutes which may prohibit or restrict access and consult with the Prosecuting Attorney prior to responding to a public records request:

- Job application materials;
- Residential addresses and personal phone numbers of employees and volunteers;
- Personnel files of current and retired employees and volunteers, whether or not such files include disciplinary action;
- Private communications of current and former employees;
- Taxpayer information that is private, such as income information;
- Investigative records compiled by law enforcement, probation officers and code enforcement officers;
- Identity of witnesses to crimes or persons who file complaints with investigation and law enforcement agencies, including the sheriff, prosecuting attorney and code enforcement officers;
- Test questions, scoring keys or information for employment examinations;
- Real estate appraisals made for an agency relative to the acquisition or sale of property;
- Valuable designs, formulae, drawings and research data;
- Preliminary drafts, notes, recommendations in which opinions are expressed as part of the deliberative process;
- Attorney work product pertaining to pending, threatened or completed litigation;
- Records, maps or other information identifying the location of archeological sites;
- Complaints and investigative records compiled in connection with claims of discrimination in employment;
- Credit card numbers;
- Records prepared to prevent, mitigate or respond to criminal terrorist acts;
- Information regarding the infrastructure and security of computer and telecommunication networks;
- Medical records and information;
- Information pertaining to victims of crime;
- Information regarding organized crime;
- Traffic accident reports prepared by citizens;
- Industrial insurance claim files and records; and
- Identity of child victims of sexual assault.

15. Whitman County Maintains an Exemption From Record Indexing

The Board of County Commissioners finds that Whitman County government is comprised of many branches, boards, departments, divisions, subdivisions, agencies, offices, commissions and many other County entities that maintain separate and distinct recordkeeping systems. The records are voluminous, diverse, complex, and are stored in incompatible databases. Indexing of these records would be overwhelmingly costly to the Whitman County taxpayers, while

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substantially interfering with effective and timely County office operations. As a result, it would be unduly burdensome, if not physically impossible to develop an index of those records identified in RCW 42.56.070(3) or as the statute may be amended in the future.

No Whitman County agency is required to maintain an index of public records conforming to the requirements of RCW 42.56.070(3) or as the statute may be amended in the future.

Any index maintained by a County agency shall be made available for public inspection and copying unless exempt from disclosure or made confidential by law.

Appendix A Exemption and Prohibition Statutes Not Listed in Chapter 42.56 RCW

Washington State Statutes Citation Records

RCW 1.08.027	Code reviser drafting services
RCW 2.64.111	Documents regarding discipline/retirement of judges
RCW 2.64.113	Confidentiality - violations
RCW 4.24.550	Information on sex offenders to public
RCW 4.24.601	Trade secrets and confidential research, development or commercial information
RCW 4.24.611	Trade secrets, confidential research, development or commercial info. concerning products or business methods
RCW 4.92.210	Information in centralized risk management claim tracking system
RCW 5.60.060	Privileged communications
RCW 5.60.070	Court-ordered mediation records
RCW 7.07.070	Mediation communications
RCW 7.68.140	Victims' compensation claims
RCW 7.69A.030(4)	Child victims and witnesses - protection of identity
RCW 7.69A.050	Rights of child victims and witnesses - addresses
RCW 7.75.050	Records of Dispute Resolution Centers
RCW 7.88.020/30	Financial institution compliance review documents
RCW 9.51.050	Disclosing transaction of grand jury
RCW 9.51.060	Disclosure of grand jury deposition
RCW 9.02.100	Reproductive privacy
RCW 9A.82.170	Financial institution records - wrongful disclosure
RCW 9.73.230	Name of confidential informants in written report on wire tapping
RCW 9.94A.610(1)(b)	Names of witnesses notified when drug offenders released
RCW 9.94A.612(1)	Names of victims, next of kin, or witnesses who are notified when prisoner escapes on parole, or released
RCW 9.94A.745	Records of the interstate Commission for Adult Offender Supervision that would adversely affect personal privacy rights or proprietary interests

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- RCW 9.94A.885 Info. Regarding victims, survivors of victims or witnesses that are sent clemency hearing notices may not be released to offender
- RCW 9.98.260 Info. Regarding victims, survivors of victims or witnesses that are sent pardon hearing notices may not be released to offender
- RCW 10.27.090 Grand jury testimony/evidence
- RCW 10.27.160 Grand jury reports - release to public only by judicial order
- RCW 10.29.030 Organized crime special inquiry judge
- RCW 10.29.090 Records of special inquiry judge proceedings
- RCW 10.52.100 Records identifying child victim of sexual assault
- RCW 10.77.210 Records of persons committed for criminal insanity
- RCW 10.97 RCW Privacy of criminal records, including criminal history info. on arrests, detention, indictment, or other formal criminal charges made after 12/31/77 unless dispositions are included
- RCW 10.101.020 Information given by persons to determine eligibility for indigent defense
- RCW 11.110.075 Instrument creating a charitable trust, possibly only if the instrument creates a trust for both charitable and non-charitable purposes
- RCW 13.04.155 Information on juvenile conviction by adult criminal court given to school principle
- RCW 13.24.011 Records of the Interstate Compact for Juveniles that would adversely affect personal privacy rights or proprietary interests
- RCW 13.32A.090 Crisis residential centers notice to parent about child
- RCW 13.34.115 Court dependency proceedings
- RCW 13.40.150 Sources of confidential information in dispositional hearings on juvenile offenses
- RCW 13.40.215 Info. about victims, next of kin, or witnesses requesting notice of release of juvenile convicted of violent sex offense or stalking
- RCW 13.40.217 Juveniles adjudicated of sex offenses - release of information
- RCW 13.50.010 Maintenance of and access to juvenile records
- RCW 13.50.050 Juvenile offenders
- RCW 13.50.100 Juvenile/children records not relating to offenses
- RCW 13.60.020 Missing children information
- RCW 13.70.090 Citizen juvenile review board - confidentiality
- RCW 15.19.080 Info. on purchases, sales or production of ginseng by individual growers or dealers
- RCW 15.86.110 Business records the Dept. of Agriculture obtains regarding organic food products
- RCW 15.54.362 Info. Regarding business operations contained in reports on commercial fertilizer
- RCW 15.58.060(1)(c) Business info. of a proprietary nature regarding pesticide formulas
- RCW 15.58.065(2) Privileged or confidential commercial or financial

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- information, trade secrets re. pesticides
- RCW 15.65.510 Information on agricultural marketing agreements
- RCW 15.86.110 Business records obtained by Dept. of Agriculture regarding organic food products
- RCW 17.24.061(2) Trade secrets or commercial or financial info. obtained by Dept. of Agriculture re. insect pests, noxious weeds, or organisms affecting plant life
- RCW 18.04.405 Confidentiality of information gained by CPA
- RCW 18.19.060 Notification to clients by counselors
- RCW 18.19.180 Confidential communications with counselors
- RCW 18.20.120 Identity of individual or name of boarding homes from boarding home licensing records
- RCW 18.20.390 Information and documents created, collected and maintained by a quality assurance committee
- RCW 18.39.510(1) Complaints against embalmers and funeral directors
- RCW 18.46.090 Information on maternity homes received by Dept of health identifying individuals or maternity homes
- RCW 18.53.200 Information and records of optometrists
- RCW 18.64.420 Records obtained by Dept. of health regarding various insurance companies
- RCW 18.71.0195 Contents of physician disciplinary report
- RCW 18.71.340 Entry records under impaired physician program
- RCW 18.83.110 Communications between client and psychologist-could apply to records
- RCW 18.130.095(1)(a) Complaints filed under uniform disciplinary act or health professionals
- RCW 18.130.172(1) Summary and stipulations in complaints against health care professionals
- RCW 18.130.175(4) Voluntary substance abuse records on health care professionals
- RCW 19.16.245 Collection agency financial statements
- RCW 19.28.515 Information obtained from electrical contractor by Dept. of Licenses
- RCW 19.34.240(3) Private digital signature keys
- RCW 19.108.020 Equitable remedies to preserve secrecy of trade secrets
- RCW 19.215.020 Destruction of personal health and financial information
- RCW 19.215.030 Compliance with federal rules
- RCW 21.20.480 Security act investigations
- RCW 21.20.855 Reports and information from Dept. of Financial Services examinations
- RCW 21.30.170 Some information obtained by the Dept. of Financial Institutions
- RCW 22.09.040(9) Financial information on warehouses supplied to the Dept. of Agriculture
- RCW 22.09.045(7) Financial information on grain dealers supplied to Dept. of Agriculture
- RCW 24.03.435 Information in interrogatories of nonprofit corporations by Secretary of State
- RCW 24.06.480 Info. in interrogatories of nonprofit misc. and mutual corporations by Secretary of State

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- RCW 26.04.175 Name and address of domestic violence victim in marriage records
- RCW 26.09.015 Divorce mediation proceedings-may apply to records of the proceedings
- RCW 26.12.170 Reports of child abuse/neglect with courts
- RCW 26.12.180 Superior Court may order family court files closed to protect privacy
- RCW 26.23.050 Child support orders
- RCW 26.23.120 Child support records
- RCW 26.23.150 Social security numbers collected by licensing agencies not to be disclosed
- RCW 26.26.041 Uniform Parentage Act - protection of participants
- RCW 26.26.450 Confidentiality of genetic testing
- RCW 26.33.330 Sealed court adoption records
- RCW 26.33.340 Agency adoption records
- RCW 26.33.343 Access to adoption records by confidential intermediary
- RCW 26.33.345 Release of name of court for adoption or relinquishment
- RCW 26.33.380 Adoption - identity of birth parents confidential
- RCW 26.44.010 Privacy of reports on child abuse and neglect
- RCW 26.44.020(19) Unfounded allegations of child abuse or neglect
- RCW 26.44.030 Reports of child abuse/neglect
- RCW 26.44.125 Right to review and amend abuse finding - confidentiality
- RCW 27.53.070 Records identifying the location of archaeological sites
- RCW 28B.85.020(2) Financial disclosures provided to HEC Board by private vocational schools
- RCW 28C.10.050(1)(a) Financial disclosures by private vocational schools
- RCW 28C.18.020 List of nominees for director of Work Force Training & Education Board
- RCW 29A.08.720 Voter registration records - place of registration confidential
- RCW 29A.08.710 Voter registration records - certain information exempt
- RCW 30.04.075(1) Information obtained from bank examinations
- RCW 30.04.230(4)(a) Information regarding investigations of out-of-state banks
- RCW 30.04.410(3) Findings related to disapprovals of bank acquisitions
- RCW 31.12.565(1) Examinations and reports on credit unions
- RCW 31.35.070 Reports on examinations of agricultural lenders
- RCW 31.45.030(3) Addresses and phone numbers and trade secrets of applicants of check cashers or sellers
- RCW 31.45.090 Trade secrets supplied by licensed check cashers and sellers as part of the annual report to Director of Financial Institutions
- RCW 31.45.077(2) Addresses and phone numbers and trade secrets of applicants of small loan endorsements
- RCW 32.04.220(1) Information from examinations of mutual savings banks
- RCW 32.32.228(3) Findings disapproving conversion from mutual savings bank to capital stock savings bank
- RCW 32.32.275 Info. applicants deem confidential relating to conversion of mutual savings bank to capital stock savings bank

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- RCW 33.04.110(1) Information from examinations of savings and loan associations
- RCW 33.24.360(1)(d) Name of lender financing an acquisition of a savings and loan, if requested by applicant
- RCW 36.102.200 Financial info on master tenant, concessioners, team affiliate, or sublease of a public stadium authority's facilities
- RCW 39.10.100(2) Trade secrets & proprietary information from contractors under alternative public works
- RCW 40.14 Preservation and destruction of public records
- RCW 40.24.070 Names of persons in domestic violence or sexual assault programs; and records in address confidentiality program
- RCW 41.04.364 Individually identifiable information in state employee wellness program
- RCW 41.06.160 Salary and fringe benefit info identifying private employer from DOP salary survey
- RCW 42.23.070(4) Municipal officer disclosure of confidential information prohibited
- RCW 42.41.030(7) Identity of local government whistleblower
- RCW 42.41.045 Non-disclosure of protected information (whistleblower)
- RCW 42.48.020&.040 Personally identifiable public records used in scientific research
- RCW 42.56.420 Security Related Information
- RCW 43.06A.050 Investigative records of Office of Family and Children's ombudsman
- RCW 43.07.100 Info from businesses deemed confidential held by Bureau of Statistics in Sec. of State
- RCW 43.21A.160 Information on unique production processes given to the DOE
- RCW 43.21F.060(1) Proprietary information received by the State Energy Office
- RCW 43.22.290 Employer labor statistics reports provided to the Department of Labor and Industries
- RCW 43.23.270 Financial and commercial info. obtained by Dept. of Agriculture for export market development projects
- RCW 43.33A.025 State Investment Board criminal history record check
- RCW 43.41.100 Confidential reports made to the governor by director of OFM
- RCW 43.41.350 Risk management loss history information
- RCW 43.43.710 WSP information in records relating to the commission of any crime by an person
- RCW 43.43.856 WSP organized crime investigation information
- RCW 43.52.612 Financial info provided to operating agencies in bid forms and experience provided by a contractor to a joint operating agency regarding bids on constructing a nuclear project
- RCW 43.70.050(2) Health care related data identifying patients or providers obtained by state agencies
- RCW 43.70.052 American Indian health data
- RCW 43.70.075 Identity of whistleblower who makes a complaint to the Dept. of Health re: improper care

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- RCW 43.70.510 Information and documents created, collected and maintained by a quality assurance committee
- RCW 43.190.110 Compliant and investigation records of long term care ombudsman
- RCW 46.12.380(1) Names and addresses of motor vehicle owners except for "business" & other purposes
- RCW 46.20.041 Info on physically or mentally disabled person demonstrating ability to drive
- RCW 46.20.118 Photos on drivers' licenses & identicards
- RCW 46.52.065 Blood samples analyses done by state toxicology
- RCW 46.52.080 Traffic accident reports - confidentiality
- RCW 46.52.083 Traffic accident reports - available to interested parties
- RCW 46.52.120 Traffic crimes and infractions - confidential use by police and courts
- RCW 46.52.130(2) Abstract of driving record
- RCW 46.70.042 Application for vehicle dealer licenses, for three years
- RCW 47.28.075 Info supplied to DOT to qualify contractors for highway construction
- RCW 47.28.760 Info supplied to DOT to qualify contractors for ferry construction
- RCW 48.02.120 Insurance company actuarial formulas, statistics & assumptions held by Insurance Commissioner
- RCW 48.03.050/040(6)(a) Examinations & investigations by state Insurance Commissioner
- RCW 48.05.465 Insurance risk base capital reports & plans
- RCW 48.20.530 Proof of nonresident pharmacy licensure used by insurance companies to provide drugs to residents
- RCW 48.21.330 Proof of nonresident pharmacy licensure used by insurance companies to provide drugs to residents
- RCW 48.44.470 Proof of nonresident pharmacy licensure used by insurance companies to provide drugs to residents
- RCW 48.46.540 Proof of nonresident pharmacy licensure used by insurance companies to provide drugs to residents
- RCW 48.30A.060 Insurance company antifraud plans submitted to Insurance Commissioner
- RCW 48.31B.015(2)(b) Source or consideration for loan associated w/acquiring an insurance company
- RCW 48.43.335(1) Insurance risk base capital reports & plans
- RCW 48.62.101 Local government insurance transactions - access to information
- RCW 48.74.025(4) Memo in support of life insurance co. reserves
- RCW 48.94.010 Summary of Insurance Commissioner's refusal to issue reinsurance intermediary license
- RCW 48.102.030 Insurance vehicle settlement broker records
- RCW 48.110.040 Financial reports files with the Insurance Commissioner
- RCW 48.130.070 Records of the Interstate Insurance Product Regulation compact involving privacy of individuals and insurers trade secrets
- RCW 49.17.0180(1) Name of employee of company seeking Industrial Safety & Health Act

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- RCW 49.17.200 Trade secrets reported to L&I under Wash. Industrial Safety & Health Act
- RCW 49.17.210 Identification of employer of employee in L&I studies
- RCW 49.17.250(3) Info obtained by L&I from employer-requested consultation re. Industrial Safety & Health Act
- RCW 49.17.260 L&I investigative reports on industrial catastrophes
- RCW 49.60.240 Option of Human Rights Commission complaints not to be made public
- RCW 49.70.119(6)(a) Name of employee seeking records of agricultural pesticide applications
- RCW 50.13.015 Most info supplied to Employment Security Dept
- RCW 50.13.015/020 Most info supplied to Employment Security Dept
- RCW 50.13.040 Most info supplied to Employment Security Dept
- RCW 50.13.050 Most info supplied to Employment Security Dept
- RCW 50.13.060 Access to employment security records by local government Agencies
- RCW 50.13.100 Disclosure of non-identifiable information or with consent
- RCW 51.16.070(2) Info in employer's records obtained by L&I under Industrial Insurance
- RCW 51.28.070 Worker's compensation records
- RCW 51.36.060 Physician information on injured workers
- RCW 51.36.110(1) Info in audits of health care providers under Industrial Insurance
- RCW 51.36.120 Financial or valuable trade info from health care providers
- RCW 53.31.050 Financial & Commercial info & records supplied to port district export trading company
- RCW 60.70.040 No duty to disclose record of common law lien
- RCW 63.29.380 Info relating to unclaimed property that is furnished to the Dept of Revenue
- RCW 66.16.090 Records of purchases by individuals from state liquor stores
- RCW 68.50.105 Autopsy reports
- RCW 68.50.320 Dental identification records - available to law enforcement agencies
- RCW 69.41.044 Pharmaceutical manufacturer info obtained by the Board of Pharmacy
- RCW 69.41.280 Info on legend drugs obtained by the Board of Pharmacy
- RCW 69.45.090 Records and information supplied by drug manufacturers to the Board of Pharmacy
- RCW 69.51.050 Names of persons participating in controlled substances therapeutic research programs
- RCW 70.02 Medical records - access and disclosure - entire chapter (HC providers)
- RCW 70.05.170 Child mortality reviews by local health departments
- RCW 70.24.022 Public health agency information regarding sexually Transmitted disease investigations - confidential
- RCW 70.24.024 Transcripts and records of hearings regarding sexually transmitted diseases
- RCW 70.24.034 Records on hearings on dangerous sexual behavior of sexually transmitted disease carriers

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RCW 70.24.105 HIV/STD records
RCW 70.28.020 Local health department TB records - confidential
RCW 70.41.150 Dept of Health info on inspections of hospitals
RCW 70.41.220 Records restricting practitioner's privileges in possession of medical disciplinary board
RCW 70.42.210 Identity of person from whom specimens of material were taken at a medical test site
RCW 70.47.150 Records of medical treatment
RCW 70.54.250 Cancer registry program
RCW 70.48.100 Jail records and booking photos
RCW 70.58.055 Birth certificates - certain information confidential
RCW 70.58.104 Vital records, research confidentiality safeguards
RCW 70.77.455 Fireworks license records
RCW 70.94.205 Washington Clean Air Act - confidentiality of data
RCW 70.95.280 Proprietary info on solid waste management practices in possession of DOE
RCW 70.95C.040(4) Proprietary info re. waste reduction in possession of DOE
RCW 70.95C.220(2) Waste reduction plans
RCW 70.95C.240(1) Some info in executive summaries of waste reduction efforts
RCW 70.96A.150 Alcohol and drug abuse treatment programs
RCW 70.104.055 Reports on pesticide poisoning
RCW 70.105.170 Manufacturing or business info re. Hazardous waste management in possession of DOE
RCW 70.118.070 Trade secret info re. on-site sewage disposal in possession of DOE
RCW 70.123.075 Client records of domestic violence programs
RCW 70.124.100 Name of whistleblower in nursing home or state hospital
RCW 70.125.065 Records of rape crisis centers in discovery
RCW 70.127.190 Hospice records
RCW 70.129.050 Personal and clinical records of long-term care residents
RCW 70.148.060(1) Examination & proprietary records obtained when soliciting bids for cleanup of underground storage tanks
RCW 70.149.090 Certain info re. hearing oil tanks
RCW 70.168.070 Limitations on disclosure of reports made on site review of trauma care services
RCW 70.168.090 Patient records & quality assurance records associated with trauma care facilities
RCW 70.170.090 Charity care information in hospitals
RCW 71.05.390 Information about mental health consumers
RCW 71.05.395 Ch. 70.02 RCW applies to mental health records
RCW 71.05.400 Information to next of kin or representative
RCW 71.05.425 Notice of release or transfer of committed person after Offense dismissal
RCW 71.05.427 Information that can be released
RCW 71.05.430 Statistical data
RCW 71.05.440 Penalties for unauthorized release of information
RCW 71.05.445 Release of mental health information to Dept. of Corrections

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- RCW 71.05.620 Authorization requirements and access to court records
- RCW 71.05.630 Release of mental health treatment records
- RCW 71.05.640 Access to treatment records
- RCW 71.05.650 Accounting of disclosures
- RCW 71.09.140(2) Names of victims, next of kin, or witnesses who are notified when sexually violent predator escapes, on parole or released
- RCW 71.24.035(5)(g) Mental health information system - state, county and regional
Support networks - confidentiality of client records
- RCW 71.34.200 Mental health treatment of minors - records confidential
- RCW 71.34.210 Court records for minors related to mental health treatment
- RCW 71.34.225 Release of mental health services information
- RCW 71.34.340 Records on mental treatment of minors
- RCW 71.34.335 Records on mental treatment of minors
- RCW 71.34.350 Records on mental treatment of minors
- RCW 71A.14.070 Records regarding developmental disability - confidentiality
- RCW 72.09.345 Notice to public about sex offenders
- RCW 72.09.585(3) Disclosure of inmate records to local agencies - confidentiality
- RCW 74.04.060 Applicants and recipients of public assistance
- RCW 74.04.062 Public assistance records
- RCW 74.04.520 Food stamp program confidentiality
- RCW 74.09.290(1) Medical records of persons in public assistance
- RCW 74.09.900 Medical assistance
- RCW 74.13.121 Financial information of adoptive parents
- RCW 74.13.280 Children in out-of-home placements - confidentiality
- RCW 74.13.133 Adoption support records
- RCW 74.20.160 Public assistance records
- RCW 74.20.280 Child support enforcement - local agency cooperation, information
- RCW 74.20A.360 Certain records in division of child support
- RCW 74.20A.370 Certain records in division of child support
- RCW 74.34.040 Identity of person making report on abuse of vulnerable adult
- RCW 74.34.090 Identity of persons in records of abused vulnerable adults
- RCW 74.34.095 Abuse of vulnerable adults - confidentiality of investigations and reports
- RCW 74.34.180(1) Name of whistleblower reporting abuse of vulnerable adults in various facilities
- RCW 74.42.080 Records of nursing home residents
- RCW 74.42.640 Information and documents created, collected and maintained by a quality assurance committee
- RCW 76.09.230 Documents obtained in forest practices appeals board mediation efforts
- RCW 78.52.260 Well logs on oil capable of being produced from a "wildcat" well
- RCW 79.76.230 Geothermal records filed with Dept. of Natural Resources (DNR)

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- RCW 79A.25.150 Names of candidates for director of interagency committee for outdoor recreation
- RCW 79A.60.210 & .220 Certain boating accident reports provided to the Parks & Recreation Commission
- RCW 80.04.095 Utility records filed with UTC containing valuable commercial information
- RCW 82.32.330 Disclosure of tax information
- RCW 84.08.210 Tax info obtained by Dept of Revenue if highly offensive to a reasonable person and not a legitimate concern to public or would result in unfair competitive disadvantage
- RCW 84.36.389 Confidential income data in property tax records held by assessor
- RCW 84.40.020 Confidential income data supplied to assessor regarding real property
- RCW 84.40.340 UTC records containing commercial info a court determines confidential

Selected Federal Confidentiality Statutes and Rules

Citation Records

- 18 USC § 2721-2725 Driver and License Plate Information
- 20 USC § 1232g Family Education Rights and Privacy Act
- 42 USC 290dd-2 Confidentiality of Substance Abuse Records
- 42 USC 405(c)(2)(vii)(1) Limits on Use and Disclosure of Social Security Numbers
- 42 USC 654(26) State Plans for Child Support
- 42 USC 671(a)(8) State Plans for Foster Care and Adoption Assistance
- 42 USC 1396a(7) State Plans for Medical Assistance
- 7 CFR 272.1(c) Food Stamp Applicants and Recipients
- 34 CFR 361.38 State Vocational Rehabilitation Services Programs
- 42 CFR Part 2 (2.1-2.67) Confidentiality of Alcohol and Drug Abuse Patient Records
- 42 CFR 431.300 - 307 Safeguarding Information on Applicants and Recipients of Medical Assistance
- 42 CFR 483.420 Client Protections for Intermediate Care Facilities for the Mentally Retarded
- 42 CFR 5106a(b)(2)(A) Grants to States for Child Abuse and Neglect Prevention and Treatment Programs
- 45 CFR 160-164 HIPAA Privacy Rule

**WHITMAN COUNTY
REQUEST FOR ACCESS TO PUBLIC RECORDS**

Name: _____ Date of Request: _____

Mailing Address: _____

E-mail Address: _____ Phone No.: _____

I would like to access public records via Copies of the record Inspection of the record

Records Requested ►

Please describe the **SPECIFIC** record(s) you are requesting and any additional information that will help us locate said records (dates, names, etc.). Please attach additional documents as required for thorough explanation of your request. Indicate if you want copies in printed or electronic format.

Inspection of records is free. A per-page charge of \$0.15 for standard copies applies. Other charges based on legal requirements or specific documents may apply. Statute requires that response on a request for public records must be taken within five business days of receipt of the request.

I understand that Washington State Law (RCW 42.56.070(9)) prohibits the use of lists of individuals for commercial purposes. If applicable to this request, I hereby declare, under penalty of perjury pursuant to the laws of the State of Washington, that I will not use the list of individuals obtained from this request for commercial purposes. If applicable, I also acknowledge that I am solely responsible for any consequences or damages arising from my commercial use of the list of individuals I am obtaining. I understand that the County does not guarantee the accuracy or completeness of electronic records. If you believe that you are entitled to information, which was not released, or that the information furnished has been incorrectly redacted or is incomplete, you may file a written appeal with the corresponding departments public records officer. The appeal must include your name and address, a copy of this form, together with a brief statement identifying the basis of the appeal and the written statement by the County agent which constituted or accompanied the denial.

Signature: _____ Date: _____

FOR OFFICIAL USE ONLY – Return completed form to the Public Records Officer

Date Received: _____ Response Required by: _____ Officer: _____

Dept. Receiving Request & Date: _____

Action Taken:

- Notified records are available: Request to be denied. Sent explanation on:
 - If copies are requested and payment/deposit has been made, send copies. Inspection/copies sent on:
- Evaluation necessary. Est. days needed for final response: Record partially withheld. Notified requestor w/exemption cited and revised time line on:
 - Forward to elected official for review
- Clarification needed from requestor. Requested clarification on: No response from requestor for clarification/payment. Request closed and requestor notified on:

Appeal Denial approved-notified requestor in writing on: Initials:

Decision: Denial overturned-notified requestor in writing on: Initials:

If applicable, fees received on: Date:

070276 8. Commissioner O’Neill **moved** Commissioner Largent **seconded** the motion and it **carried** to sign a resolution opting out of the all-inclusive index of public records due to the undue burden on the county.

RESOLUTION NO. 070276

A RESOLUTION OF THE BOARD OF WHITMAN COUNTY COMMISSIONERS dispensing with the records index requirement referenced in RCW 42.17.260 (4)(a) and 42.56.070(4)(a) and adopting a formal order.

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WHEREAS, the state legislature amended the public records statutes requiring all public agencies to maintain and make available a current index of public records; and,

WHEREAS, RCW 42.56.070(4) provides, if maintaining such an index would be unduly burdensome or interfere with agency operations, the agency must issue and publish a formal order specifying the reasons why and the extent to which compliance would be unduly burdensome and the county finds it necessary to issue such order.

NOW, THEREFORE, the Whitman County Commissioners hereby submit the following findings:

1. The county is comprised of numerous departments, their divisions and subdivisions, serving over 42,000 citizens. Many of these departments, if not all, maintain separate databases and/or record keeping systems for the indexing of records and information.
2. The county's records are diverse, complex and stored in multiple locations and in multiple computer systems, formats and/or databases.
3. Maintaining a central index of records would require additional staff time and/or taking staff away from other duties.
4. It is duly burdensome, if not physically impossible, to maintain a current index of all county records.

Based upon the above findings and pursuant to RCW 42.56.070(4)(a), the county orders the following:

1. The county is not required to maintain an all-inclusive index of public records due to the undue burden and near-impossibility of maintaining such an index.
2. The county will make available for inspection and/or copying all public records, including any indexes maintained by the county, except to the extent that such records are exempt from public disclosure.

ADOPTED this 19th day of January 2010.

BOARD OF COUNTY COMMISSIONERS
OF WHITMAN COUNTY, WASHINGTON

Greg Partch, Chairman

Patrick J. O'Neill, Commiss.

ATTEST:

Maribeth Becker, CMC
Clerk of the Board

Michael Largent, Commissioner

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070277 9. Commissioner O'Neill **moved** Commissioner Largent **seconded** the motion and it **carried** to sign the updated Nationwide Plan document.

070278 10. Commissioner Largent **moved** Commissioner O'Neill **seconded** the motion and it **carried** to adopt the 2010 mileage reimbursement rate of \$.50 per mile.

RESOLUTION NO. 070278
BEFORE THE BOARD OF WHITMAN COUNTY COMMISSIONERS

WHEREAS, the Board of Whitman County Commissioners met in regular session on Tuesday, January 19, 2010; 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(E)(2) specifies that the actual rate per mile be set by the Board of County Commissioners.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the 2010 rate of reimbursement for business use of personal automobiles is \$.50 per mile.

PASSED, APPROVED AND ADOPTED this 19th day of January 2010 and effective as of this date.

BOARD OF COUNTY COMMISSIONERS
OF WHITMAN COUNTY, WASHINGTON

Greg Partch, Chairman

Patrick J. O'Neill, Commiss.

ATTEST:

Maribeth Becker, CMC
Clerk of the Board

Michael Largent, Commissioner

070279 11. Commissioner O'Neill **moved** Commissioner Largent **seconded** the motion and it **carried** to sign the 2010 CDBG-PS grant contract #10-64100-011 (02/28/11).

070280 12. Commissioner O'Neill **moved** Commissioner Largent **seconded** the motion and it **carried** to accept the 2010 Fountain Flying Service LLC flyover agreement as presented.

070281 13. Commissioner O'Neill **moved** Commissioner Largent **seconded** the motion and it **carried** to reappoint Rebecca Dickerson to a second 6-year term on the Library Board of Trustees. Ms. Dickerson's term will expire 12/31/14.

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070282 14. Commissioner O'Neill **moved** Commissioner Largent **seconded** the motion and it **carried** to regretfully accept the resignation of Archie Neal from the Planning Commission.

15. Commissioner Largent **moved** Commissioner O'Neill **seconded** the motion and it **carried** to sign the following grant application data forms for the Sheriff and Juvenile Departments:

070283 Dept. of Justice State Alien Assistance-\$786 for 2009
070284-070285 WA State Parks Safer Boating-\$12,295 for 07/01/09-10
070286-070287 DSHS/JRA funding for SSODA-\$9,260 for 2009-11
070288-070289 DSHS/JRA CDDA funding-\$6,749 for 2009-11
070290-070291 DSHS/JRA CJS funding-\$46,182 for 2009-11
070292-070293 DSHS/JRA CJAA funding for \$25,525
070294-070295 DSHS/JRA HB3900 funding-\$12,967 for 2009-11
070296-070297 Admin. Office of the Courts CASA-\$20,766 for 2009-11
070298-070299 Admin. Office of the Courts BECCA-\$14,977 for 2009-11

070300 16. Commissioner O'Neill **moved** Commissioner Largent **seconded** the motion and it **carried** for the Chairman to sign the first annual report for the Paradise Creek Revitalization Area.

070301 17. A letter was received from Marilyn Burg of Uniontown regarding the 2010 budget pertaining to the Sheriff's Office.

070302 18. A letter was received from the Department of Ecology regarding the Water Conservancy Board members training status.

070303 19. A letter received from the Department of Fish and Wildlife regarding the upcoming rainy season and possible flooding problems was passed onto the Public Works Director.

070304 20. A notice of liquor licenses due to expire in Whitman County was received from the Washington State Liquor Control Board.

070305 21. An executed copy of the 2010 WSU memorandum of agreement for Extension Agent wages received.

070306 22. An executed copy of the WSU interlocal agreement for Sheriff's services for the period 08/31/09-03/31/10 was received.

070307 23. An executed copy of the second amended interlocal agreement with Greater Columbia Behavioral Health Services was received (on-going).

070308 24. An executed copy of interagency agreement WSU and Whitman County Public Health was received (on-going).

070309 25. An executed copy of the Whitman County/Town of Albion contract for police services was received (12/31/11).

070310 26. Commissioners' pending list reviewed.

10:20 a.m. - Recess.

10:25 a.m. - Doug Harris.

Present: Burt Loucks, Roger Daisley, Joe Smillie.

D070310A Mr. Harris commented on the 2010 county budget pertaining to the Sheriff's Office. The Chairman thanked Mr. Harris for coming in noting his points were well taken.

10:45 a.m. - Mark Storey, Public Works Director.

Present: Phil Meyer, Jeff Marshall, Dan Gladwill, Bert Loucks, Roger Daisley, Nancy Persons, Richard Perednia, Don Hay, Michelle Hay, Jim McKee and Joe Smillie.

ACTION ITEMS

Engineering Division:

070311 1. Commissioner Largent **moved** Commissioner O'Neill **seconded** the motion and it **carried** that the resolution to set quarry royalty lease rates be signed as presented.

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

In the Matter of establishing)	
A new Quarry Royalty Lease Rate)	RESOLUTION NO. <u>070311</u>
For payment to Quarry Owners)	
Countywide - Whitman County Road)	
Department, Whitman County,)	ESTABLISHING ROYALTY RATES
Washington)	

WHEREAS, the Whitman County Road Department has been asked by quarry owners around the county to reassess lease rates (royalties) to be paid to property owners in consideration for use of aggregate crushed from their properties; and,

WHEREAS, the Whitman County Road Department has not increased its royalty rates in approximately 10 years; and,

WHEREAS, the County Engineer has researched royalty rates for many of the rural counties across Washington through the County Road Administration Board (CRAB); and,

WHEREAS, it has been determined that Whitman County's current rate of 20 cents per ton is the lowest of the rural counties of Washington and that a

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rate of 30 cents per ton would be more equitable in terms of other rural counties royalty rates; and,

WHEREAS, the Board recognizes the necessity to compensate property owners a royalty rate that is considered fair and equitable for our region.

NOW THEREFORE, BE IT HEREBY RESOLVED that Whitman County will establish a royalty compensation rate of 30 cents per ton for crushed rock materials, beginning on the first day of February, 2010,

ADOPTED this 19th day of January, 2010.

BOARD OF COUNTY COMMISSIONERS
OF WHITMAN COUNTY, WASHINGTON

Greg Partch, Chairman

Patrick J. O'Neill, Commiss.

ATTEST:

Maribeth Becker, CMC
Clerk of the Board

Michael Largent, Commissioner

070312 2. Commissioner O'Neill **moved** Commissioner Largent **seconded** the motion and it **carried** to publish the notice of call for bids for 2-truck boxes with pintle hitch and hydraulics complete.

Building Division:

070313 3. The 2009 4th quarter building activity report received from Mr. Gladwill and reviewed.

070314. 4. The 2009 year-end building activity report received from Mr. Gladwill and reviewed.

070315 5. Chairman Partch convened the hearing for the proposed vacation of Pazen Road and a portion of Almota County Road No. 8000.

Mr. Storey provided his Engineer's report on all four (4) proposed vacations stating in his opinion it is not advisable to preserve these roads that appear to serve a single landowner for the county transportation system in the future. Therefore, it is seen as a benefit to the county that these roads should be vacated and passed to the owners of record of the adjoining land.

The Chairman opened the hearing to public comments.

As a disabled individual Nancy Person opposed the vacation. A portion of the road has been raised and is so steep she would not be able to get through if the road is abandoned.

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There being no further comments, the hearing was adjourned.

070316 **6.** Chairman Partch convened the hearing for the proposed vacation of Campbell Road, Bruce Change in the Campbell Road and Bruce Bridge No. 1020-01.70.

The Chairman opened the hearing to public comments.

Bert Loucks said the proposed vacation involves 3 different property ownerships within the Loucks family. His wife owns 150 acres with the house, the bridge is located within the AgriFarms, Inc. ownership, a family farm and the third is property jointly owned by him and his wife. If this road is vacated it would restrict any access to his house and it appears it would be a real problem if they ever wanted to sell the property. They would have the added expense of insuring the bridge, obtaining an engineer's report on the quality of the bridge before insurance could be purchased and possible additional taxes on the assessed value of the bridge.

Loucks Attorney Richard Perednia explained in the future, the three Loucks property ownerships will be taking different direction thereby creating a variety of scattered ownerships.

Secondly, Mr. Perednia was not sure the county has the power to vacate the road based on RCW 36.87.130 which states: "No county shall vacate a county road or part thereof which abuts on a body of salt or fresh water unless the purpose of the vacation is to enable any public authority to acquire the vacated property for port purposes, boat moorage or launching sites, or for park, viewpoint, recreational, educational or other public purposes, or unless the property is zoned for industrial uses". He pointed out Latah Creek is a body of fresh water. Therefore, he didn't think the road could be vacated because it abuts a body of fresh water.

Don Hay said he actually thought the road had already abandoned that portion of the road 20 years ago because it has not been maintained and eventually became impassible or he would still be using it. However, it is a handy one-lane road and would be used by the locals. This road would provide better access to a power line for maintenance and emergency equipment.

Michelle Hay, a resident of Campbell Road preferred that the road remain open.

There being no further comments, the hearing was adjourned.

11:15 a.m. - Dan Hall and Pete Martin.

070317 **7.** Chairman Partch convened the hearing for the proposed vacation of Klemgard County Road No. 9480.

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The Chairman opened the hearing to public comments.

Jim McKee submitted a letter from Adrian and Mary Townsend opposing the vacation as it is used for their farming operation, tenants, area farmers and utility companies.

There being no further comments, the hearing was adjourned.

070318 8. Chairman Partch convened the hearing for the proposed vacation of Hatley Road, County Road No. 9550 and Henson Bridge No. 9550-00.05.

The Chairman opened the hearing to public comments.

Roger Daisley submitted a statement opposing the vacation based on four principles.

The road is currently in use for public commercial purposes with no alternate routes to one of the fields they lease.

Abandonment of the bridge - it does cross Union Creek with water year-round. Abandonment would place a maintenance and insurance responsibility on his family.

In checking with the Hatley's, the original road wandered through the Hatley estate. When the county wanted to build a new road straight down Union Flat, the Hatley's were approached for an easement through their property. The Hatley's concurred if the county would build a road and a bridge across Union Flat Creek which they did. It was also agreed the road would be maintained in perpetuity. Unfortunately, as far as the Hatley's know, there were never any records drawn up, only a handshake sort of affair. He wondered if it made any sense for the county to build the road and bridge other than to gain an easement through Hatley property. He also wondered if the Hatley's would agree if they knew that eventually it would fall back to them to maintain.

Mr. Daisley spoke with realtor Melinda Beasley to discuss the effects of his property values with the bridge and road on his property. In her opinion it would be a great economic detriment and very difficult to sell.

Mr. Daisley also noted his family has three (3) on-going businesses on this property; 1) Paintings by Jacqueline teaching classes through Pullman Parks and Recreation on a frequent basis at their home, 2) RJR Solar and he teaches classes through Pullman Parks and Recreation at his home and 3) John Deere tractor upgrade kits sold world-wide requiring frequent shipments via UPS and FedEx. Therefore, there is commercial use on this property.

There being no further comments, the hearing was adjourned.

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Mr. Storey recommended the Board allow the Engineering Department to perform additional research and he will report back to the Board on February 1st at 11 a.m.

11:30 a.m. - Sharron Cunningham, Finance Department.

Present: Bob Lothspeich, Brett Myers, Chris Nelson, Denis Tracy, Greg Partch, Janet Schmidt, Joe Reynolds, Kelli Campbell, Maria Thomas, Mark Storey, Marlynn Markley, Michael Largent, Pat O'Neill, Pete Martin and Joe Smillie.

Excused: Tim Myers and Eunice Coker.

070319 The December 2009 month ending financial report provided by Ms. Cunningham.

December 2009 Cash Balance - \$2,113,313
December 2008 Cash Balance - \$2,953,914

December 2009 Revenue - \$10,992,422 - 95.85% of budget.
December 2008 Revenue - \$11,536,736 - 93.41% of budget.

December 2009 Expenditures \$11,348,423 - 97.57% of budget.
December 2008 Expenditures \$11,471,499 - 92.26% of budget.

11:45 a.m. - Recess.

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

Present: Fran Martin, Dr. Moody, Michael Baker and Jeslyn Lemke.

070320 1. Dr. Moody provided an overview of the seasonal flu strains and H1N1 virus, the amount of vaccine received, distributed, administered and remaining.

Ms. Martin distributed a copy of State H1N1 situation report #17 for the period 01/11/09-01/17/10. The Director will make a determination February 1st whether to remove or extend the State of Emergency for H1N1 in Whitman County.

D070320A 2. According to Michael Baker, Bruce Koliba and Cinnamon Brown are conducting food handler's classes today at WSU. The Food Handler's Policy has been revised to reflect the new code. A newsletter is being sent to all food establishments about the fee schedule and other relevant information.

D070320B 3. Mr. Baker said the on-site sewage program never slowed down in 2009 due to the weather.

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D070320C 4. Mr. Baker mentioned the department does have one confirmed case of the West Nile virus in Whitman County. However, because this particular individual traveled a great deal there is no way to determine exactly where this person came into contact with the virus. Increased mosquito surveillance, testing and tracking will take place this year near this person's primary residence. Dr. Moody pointed out there is no cause for alarm.

D070320D 5. Using \$6,000 in local capacity funds Ms. Martin hired Spokane Regional Health District to perform a Community Health Assessment. She has received a draft and is in the process of reviewing it. This is a tool to help the Board set policy and direction.

D070320E 6. The school nurses have completed school screenings and are now working on state immunization and student emergency care plans. The current educational program includes hand washing, hygiene, fitness and nutrition outreach. The Pullman office is reporting an increase in food workers cards for WSU students.

2:25 p.m. - Executive Session.

Present: Fran Martin, Dr. Moody, Michael Baker and Maribeth Becker.

070321 7. Commissioner Largent **moved** Commissioner O'Neill **seconded** the motion and it **carried** to go into executive session with the above individuals from 2:30 p.m. until 2:45 p.m. in accordance with RCW 42.30.110(1)(b) for matters related to real estate acquisition.

2:45 p.m. - Return to Open Session.

070322 8. Commissioner Largent said in response to the Pullman Regional Hospital Foundation's counter offer of \$115,000 he moved to submit a \$100,000 counter-offer accompanied by a letter signed by all three commissioners for the Pullman Public Health Office space. The county is countering their principle offer; we are in agreement with the closing costs.

D070322A 9. Dr. Moody advised the Board he has offered up his name as a potential volunteer if someone is needed in the public health/tropical medicines for Haiti.

D070322B 10. Fran Martin talked about the Department's December search and rescue efforts in Colton as a partner providing resources.

D070322C 11. The next Board of Health meeting is February 16th.

3:00 p.m. - Recess.

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D070322D THE BOARD OF WHITMAN COUNTY COMMISSIONERS met in their Chambers in the Whitman County Courthouse, Colfax, Washington for **Monday, January 25, 2010 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/BOCC Workshop.

Present: Mark Storey (9:00 a.m.) and Joe Smillie (9:10 a.m.).

070323 27. Items discussed included proposed road vacations, CETC, TIB, legislative updates, Pullman Public Health property, Assistant Planner, Planning Commission applicants, roundtable water meeting, Public Service building parking lot safety and ADO contract. No action taken.

10:30 a.m. - Recess.

1:00 p.m. - Board Business Continued.

Commissioner Largent was attending a meeting with the State Examiners.

070324 28. Claims/Payroll warrants numbered **236098-236107, 236110-236225, 236228-236244-236251, 236254** and **236472-236578** for **\$647,674.56** approved.

FUND	FUND NAME	AMOUNT	AMOUNT	AMOUNT	AMOUNT	AMOUNT	AMOUNT
001	Current Expense	49,879.33	2,850.00	77,235.24	33,320.56	4,405.46	14,242.64
102	Building & Development	1,659.60		1,551.14			113.85
103	Countywide Planning	1,838.60		490.51			343.10
104	Developmental Services			36,157.25			50.00
110	County Roads	15,413.00	1,689.80	3,238.35			38,620.32
112	Public Facilities Improvement			12,000.00			
118	Inmate Welfare			306.25	1,055.72		
121	County Bulk Purchasing					2,406.63	
123	Paths/Trails-BCPT 123.310.001			2,358.72			
127	Drug Enforcement-Quad City	400.00		158.00			311.81
128	Crime Victims/Witness-Pros. 000	350.00					
135	Prosecutor's Stop Grant	150.00					138.16
144	Emerg. Communicat. 144.260.001	250.00		1,863.27			
200	Martin Hall 200.010.001					12,425.75	
300	CIP Asset Acquisit. 300.010.001					6,697.10	3,159.98
300	CIP Computer 300.010.003			1,790.01			
300	CIP Doc. Managem. 300.010.006			3,376.98			
400	Solid Waste	800.00		6,942.50			107,166.98
501	Equipment Rental & Revolving	4,697.40	350.00	1,269.69			55,910.34
510	Photocopier Revolving					46.35	
513	Communications Revolving					1,267.09	1,001.21
660	Whitcom-General 660.911.000				1,495.00		17.50
660	Whitcom-Grant 660.911.001			5,261.51	32,653.25		47,050.38
690	Clearing Fund 690.004.000					49,448.23	

070325 29. Commissioner O'Neill **moved** Commissioner Partch **seconded** the motion and it **carried** to authorize the former Chairman, Michael Largent to sign the Hazard Mitigation Plan grant program application as revised.

070326 30. Commissioner O'Neill **moved** Commissioner Partch **seconded** the motion and it **carried** to sign the revised earnest money agreement for the

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purchase of the Pullman Public Health office space from the Pullman Regional Hospital Foundation in the amount of \$100,000 plus costs.

1:15 p.m. - Recess.

3:00 p.m. - Board Business Continued/Executive Session.

Present: Tim Myers.

0703267 31. Commissioner Largent **moved** Commissioner O'Neill **seconded** the motion and it **carried** to go into executive session with the above individual until 4:00 p.m. in accordance with RCW 42.30.140(4)(a) for matters related to negotiations.

4:00 p.m. - Return to Open Session/Adjourn.

D070327A Commissioner O'Neill **moved** to adjourn the **January 19 and 25, 2010** 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 **February 1, 2010**. The foregoing action made this **25th** day of **January 2010**.

ss/ PATRICK J. O'NEILL, COMMISSIONER

ss/ MICHAEL LARGENT, COMMISSIONER

MARIBETH BECKER, CMC
Clerk of the Board

GREG PARTCH, CHAIRMAN
Board of County Commissioners