

BOCC MINUTES-01/19/16

077379 THE BOARD OF WHITMAN COUNTY COMMISSIONERS met in their Chambers in the Whitman County Courthouse, Colfax, Washington for **Tuesday, January 19, 2016 at 9:00 a.m.** Chairman Michael Largent, Arthur D Swannack and Dean Kinzer, Commissioners and Maribeth Becker, CMC, Clerk of the Board attended.

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

Present: Gary Petrovich, Mark Storey and Cinnamon Brown.

077380 1. The following items were discussed but no action was taken.

- Pullman Health Electrical
- Vault Space
- Legislative Issues
- VSP
- Ebola Monitoring Discontinued
- SEWEDA
- Internal Controls Publication

9:30 a.m. - Recess.

10:00 a.m. - Flag Salute.

Present: Paul Spencer and Kara McMurray.

D077380A 2. Pledge of Allegiance.

Consent Agenda:

D077380B 2A. Commissioner Swannack **moved** Commissioner Kinzer **seconded** the motion and it **carried** to amend the agenda to add items #16B and #16C.

D077380C 3. Motion by Commissioner Swannack to accept the consent agenda. Motion **seconded** by Commissioner Kinzer and **carried**.

077381 4. General Claims/Veterans' Relief/Payroll warrants numbered **320918-320925** for **\$511,494.52** and **320939-321088** for **\$408,442.68** approved.

077382 5. January 4, 2016 minutes approved.

077383-077405 6. Personnel change orders approved.

077406 7. Commissioner Swannack **moved** Commissioner Kinzer **seconded** the motion and it **carried** to approve allocating \$100,000 from .09 funds for 2016 Public Facilities requests.

077407 8. Commissioner Swannack **moved** Commissioner Kinzer **seconded** the motion and it **carried** to sign a letter to the cities, towns, etc. notifying them of the availability of 2016 Public Facilities funds.

077408 9. Commissioner Swannack **moved** Commissioner Kinzer **seconded** the motion and it **carried** to approve the revised Eastern Washington Partnership (Workforce Development Council) interlocal agreement.

**IN THE BOARD OF COUNTY COMMISSIONERS
WHITMAN COUNTY
RESOLUTION NUMBER 077408**

This resolution having come duly on before the Board of County Commissioners having attached to it and incorporated herein by this reference the Interlocal Governmental Agreement creating the Eastern Washington Partnership for the purpose of implementing the Workforce Innovation and Opportunity Act within a nine-county area of eastern Washington that includes this county, and the Board of Commissioners being fully apprised in the

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premises of the Act, and desiring to execute the Interlocal Governmental Agreement on behalf of this County,

NOW THEREFORE, be it Resolved:

That adoption of this Resolution constitutes execution of the Interlocal Governmental Agreement creating the Eastern Washington Partnership for the County.

Done this 19th day of January 2016.

Chair

Commissioner

Commissioner

State of Washington
County of Whitman

On this 19th day of January, 2016 before me the undersigned, Notary Public in and for the State of Washington.

IN WITNESS WHEREOF, I have here unto set my hand and affixed my seal the day and year last written above.

/s/ Kelli Campbell
Notary Public in and for the State
of Washington, residing at Pullman

**INTERLOCAL GOVERNMENTAL AGREEMENT
CREATING THE
EASTERN WASHINGTON PARTNERSHIP**

This Agreement made and entered into by and between the Counties of Asotin, Columbia, Ferry, Garfield, Lincoln, Pend Oreille, Stevens, Walla Walla and Whitman, each a political subdivision of the state of Washington, and public agencies under Revised Code of Washington Section 39.34.030, by duly adopted Resolutions of the individual Boards of County Commissioners of each of the Counties authenticated copies of which are attached hereto in execution:

WHEREAS, any power or powers, privileges, or authority capable of exercise by a county of this state may be exercised and jointly enjoyed with any other county or counties as authorized by RCW 39.34.030, and

WHEREAS, any county may, by lawfully adopted resolution, create a public corporation, commission, or authority to administer and execute Federal grants or programs, to receive and administer funds, goods, or services for any lawful public purpose and to limit the liability of such public corporation, commission or authority to the assets and properties of such to prevent recourse to such counties of their assets or credit pursuant to RCW 35.21.730, and

WHEREAS, any public corporation, commission or authority may be granted broad corporate powers pursuant to RCW 35.21.745, and

WHEREAS, the Workforce Innovation and Opportunity Act (hereinafter referred to as the Act) established a program to prepare youth, dislocated workers and adults for entry into the labor force, and

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WHEREAS, the Governor of the State of Washington, pursuant to the Act has designated these nine counties, a combination of units of general local government, as a Workforce Development Area (WDA) under the Act, and

WHEREAS, these nine counties desire to exercise their joint implementation responsibility through an entity to be known as the Eastern Washington Partnership,

NOW THEREFORE, each of the nine Counties, by individual Resolution of the Board of Commissioners of each County executes this Interlocal Governmental Agreement, and agrees in exchange for the agreement of each of the nine other counties to create the Eastern Washington Partnership by adoption of the following Articles of Partnership:

ARTICLE I Name

The name of the municipal corporation created hereby is the Eastern Washington Partnership.

ARTICLE II Duration

The Partnership shall have perpetual existence.

ARTICLE III Purpose

The purpose of the Partnership is to implement the Act within the WDA comprising the nine counties, and to engage in other activities as are consistent therewith.

ARTICLE IV Organization

The Partnership shall be organized as set forth herein. The principal organizational components shall be a Regional Board, a Workforce Development Council and an administrative entity/grant recipient and planning support entity.

- A) The Regional Board shall be comprised of one County Commissioner appointed in accordance with the procedures of the individual counties by each of the nine counties, for a total of nine members. The Regional Board shall exercise those powers specified in the Act as those of the chief elected official or officials, provided that the Regional Board may elect one or more of their members to exercise some of all of the powers and duties of the chief elected official, or may designate any individual so to act if so permitted by the Act. The Regional Board will prescribe such additional policies, rules and regulations as may be necessary or desirable for the administration of the Act.
- B) The Workforce Development Council (WDC) shall be formed and appointed by the Regional Board. The WDC will be representative of the industrial and demographic composition of the WDA business community. The WDC will not exceed 19 members and will include at least 51 percent private sector business members and representatives from the following: education agencies, vocational/rehabilitation agencies, economic development agencies, labor organizations/ trade councils, community-based organizations, and the public employment service. Council members will be appointed for two years. The WDC shall have a minimum of one representative from each of the nine counties.

The Regional Board in cooperation with the WDC shall establish a youth committee. Members of the youth committee shall include a member or members of the WDC who have a special interest or expertise in youth policy, and may include representatives of youth agencies including juvenile justice organizations with experience relating to youth activities, Job Corps, and others as deemed appropriate by the local board chair and chief local elected official.

- C) The Regional Board shall approve the workforce development strategic plan (or modifications) along with the local WDC and jointly submit such a plan (or modifications) to the Governor for approval, and carry out other responsibilities in accordance with their agreement with the local WDC. The designation of the administrative organizational structure, which includes the selection of organization(s) responsible for the administration, Workforce Development Council

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planning support, service provider selection, contract management, and grant recipient will be specified in the agreement between the Regional Board and the Workforce Development Council.

- D) The Regional Board along with the Workforce Development Council will designate, certify, and develop memoranda of understanding with one-stop operators, negotiate local performance standards with the State, approve the WDC budget and provide oversight of the local system, develop policy on a voucher system for job seekers and consumer reports, and select the adult, dislocated worker and youth programs service providers. The Regional Board shall name a chief local elected official who has the authority to sign for all counties.

ARTICLE V Limitation of Liability and Indemnity

The liability of the Partnership shall be limited per RCW 35.21.750 to the assets and properties held in its own name or held for its exclusive use and benefit, and no creditor or other person shall have any right of action against the nine counties, or any of them, for any liability incurred by the Partnership.

The Regional Board may designate an administrative entity to act as the subrecipient for the grant funds. The entity will indemnify each of the counties for claims or causes of action arising out of its administration of the grants program. Further, the entity will obtain and/or retain insurance coverage for liability and/or damage claims. Such insurance coverage shall also be required for all contracts with service providers. Such contracts shall contain clauses which will indemnify each of the counties and the administrative entity for claims or actions arising out of the service providers' administration of the grants program.

In the event that there are any cash liabilities which cannot be discharged in any other manner, the liabilities shall be borne by the Regional Board. Payments shall be made by the counties in proportion to the expenditure of funds in each of the nine (9) counties in the year and the program in which the event causing cash liability occurred.

Members of the Regional Board, the Workforce Development Council, and the administrative staff shall have the right to indemnity for any liability incurred by them in the course of acting in their respective official Partnership capacities, and for the costs and expenses incurred in the defense of any action.

ARTICLE VI Amendment

These Articles may be amended with concurrence by the Regional Board by resolution of each of the Boards of County Commissioners or by a single commissioner empowered by resolution on behalf of their respective county of the nine counties.

ARTICLE VII Severability

If any one or more of the terms, provisions, covenants, or conditions of this agreement shall be judged to be invalid, unenforceable, void, or voidable to any extent for any reason by a court of competent jurisdiction, each and all of the remaining terms, provisions, covenants, and conditions of this agreement shall not be affected and shall be valid and enforceable to the fullest extent permitted by law.

ARTICLE VIII Termination

Termination of this Agreement and of the Eastern Washington Partnership shall be accomplished in accordance with procedures to be prescribed by the Regional Board of the Partnership with any or all of the following provisions:

- A) Any Party to this Agreement may withdraw from it not later than four months before the beginning of the program year as defined under WIOA by giving written notice to the other Parties and the Governor.
- B) The Regional Board of the Eastern Washington Partnership may terminate this Agreement in the event expected or actual funding from the State, Federal, or other source is withdrawn or substantially reduced in such a fashion as to make the

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continued operation of the Act feasible. In such case, termination of this Agreement shall be effective upon written notice of termination with receipt acknowledged by all the Parties and the Governor.

C) The transfer to any property owned by the Partnership will be done according to procedures prescribed by the Regional Board to another job training program, another inter-county public organization, or to one or more of the counties.

ARTICLE IX Execution

Execution of this Interlocal Agreement shall be by attachment of an authenticated copy of a Resolution of the Board of County Commissioners of each of the nine counties adopted in accordance with the respective procedures of each of the counties.

077409 10. Commissioner Swannack **moved** Commissioner Kinzer **seconded** the motion and it **carried** to reappoint Jill Pierson, District 4 and Neal McCall, District 1 to 4-year terms expiring 12/31/19 on the Noxious Weed Control Board.

077410 11. Commissioner Swannack **moved** Commissioner Kinzer **seconded** the motion and it **carried** to reappoint Keith Paulson to a 4-year term expiring 12/31/19 on the Planning Commission.

077411 12. Commissioner Swannack **moved** Commissioner Kinzer **seconded** the motion and it **carried** to appoint Paige Collins to a 4-year term expiring 12/31/19 on the Solid Waste Advisory Committee.

077412 13. Commissioner Swannack **moved** Commissioner Kinzer **seconded** the motion and it **carried** to approve Fountain Flying Service's request to over fly congested areas in the unincorporated areas of Whitman County during the 2016 growing season (2016).

077413 14. Commissioner Swannack **moved** Commissioner Kinzer **seconded** the motion and it **carried** to sign the 2016 Local Revitalization Financing Program annual report.

077414 15. Commissioner Swannack **moved** Commissioner Kinzer **seconded** the motion and it **carried** to accept the updated Standard Benefit adoption resolution and agreement as presented.

**RESOLUTION NO. 077414
ADOPTING RESOLUTION**

The undersigned authorized representative of Whitman County (the Employer) hereby certifies that the following resolutions were duly adopted by the Employer on January 19, 2016, and that such resolutions have not been modified or rescinded as of the date hereof:

RESOLVED, that the form of amended 457 Plan and Trust effective January 1, 2016, presented to this meeting is hereby approved and adopted and that an authorized representative of the Employer is hereby authorized and directed to execute and deliver to the Administrator of the Plan one or more counterparts of the Plan.

The undersigned further certifies that attached hereto as Exhibits A and B, respectively, are true copies of Whitman County 457(b) Plan as amended and restated and the Summary of 457 Provisions, which are hereby approved and adopted.

Date: 01/19/16

Signed: _____
Michael Largent, Chairman

The full context of the agreement is available in the Commissioners' Office.

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077415 16. Commissioner Swannack **moved** Commissioner Kinzer **seconded** the motion and it **carried** to authorize a one-year extension to the Colfax School District 2016-.09 award for track renovations. The extension expires 05/01/17.

077416 16A. Commissioner Swannack **moved** Commissioner Kinzer **seconded** the motion and it **carried** to sign a letter and certificate acknowledging the Stueckle-Pitts century farm.

077417 16B. Commissioner Swannack **moved** Commissioner Kinzer **seconded** the motion and it **carried** to authorize signature/mailing of the PDC L-1 form for Potts and Associates.

077418 16C. Commissioner Swannack **moved** Commissioner Kinzer **seconded** the motion and it **carried** that pursuant to County Code regarding delegation of purchase orders, claims and payroll responsibilities, authorization forms received from the Coroner was signed by the Board and forwarded to the Auditor's office.

CORRESPONDENCE:

D077418A 17. The following correspondence was received:

077419 17A. Notice of a request for a marijuana license #25/21 filed by Kevin and Carol Kirkman for Electric Blues, Inc., Pullman, WA was received from the Washington State Liquor and Cannabis Board.

077420 17B. Notice of liquor licenses due to expire 04/30/16 was received from the Washington State Liquor and Cannabis Board.

077421 17C. An executed copy of the G. Andrew Hunt and Associates professional services agreement for labor relations services received (12/31/16).

077422 18. Commissioners' pending list reviewed.

10:30 a.m. - Recess.

11:00 a.m. - Public Works.

Present: Mark Storey, Phil Meyer, Alan Thomson, Jerry Basler, Dan Gladwill, Paul Spencer and Garth Meyer.

ACTION ITEMS:

077423 19. The regular meeting was recessed and the hearing convened by the Chairman for the proposed Uniontown Cooperative rezone.

Staff report provided by Jerry Basler explaining that the Uniontown Cooperative is requesting 2.9 acres be removed from the Agricultural District to the Limited Heavy Industrial District to allow for future improvements.

The hearing was opened to public comment. There being no further comments the hearing was adjourned and the regular meeting reconvened.

077424 20. Commissioner Swannack **moved** Commissioner Kinzer **seconded** the motion and it **carried** to approve the ordinance rezoning 2.9 acres near Leon road in Uniontown.

ORDINANCE NO. 077424

AN ORDINANCE AMENDING THE WHITMAN COUNTY ZONING MAP TO CHANGE THE ZONING FROM AGRICULTURAL DISTRICT TO LIMITED HEAVY INDUSTRIAL DISTRICT.

BE IT ORDAINED and enacted by the Board of County Commissioners of Whitman County, State of Washington, it having been determined by the Board after hearing the Recommendations and Findings of Fact of the Whitman County Planning Commission that these should be accepted and this action is consistent with the Whitman County Comprehensive Plan.

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Change the zoning for Uniontown Cooperative for 2.9 acres from Agricultural District to Limited Heavy Industrial District for property located east of Uniontown, WA off Leon Road, in the E 1/2 of Section 9, Township 12 N., Range 46 E. Willamette Meridian, Whitman County, Washington.

PASSED AND APPROVED by the Board of Whitman County Commissioners of Whitman County, Washington on the 19th day of January, 2016.

BOARD OF COUNTY COMMISSIONERS
OF WHITMAN COUNTY, WASHINGTON

Michael Largent, Chairman

ATTEST:

Arthur D Swannack, Commissioner

Maribeth Becker, CMC
Clerk of the Board

Dean Kinzer, Commissioner

077425 **21.** The regular meeting was recessed and the hearing convened by the Chairman for the proposed vacation of a portion of O'Donnell Road.

Staff report provided by Mark Storey explaining that this vacation is for vacating only property that is no longer needed due to the realignment.

The hearing was opened to public comment.

The Director requested the hearing be continued to February 1st for legal posting requirements.

There being no further comments the hearing was recessed to February 1st upon **motion** by Commissioner Swannack **seconded** by Commissioner Kinzer. Motion **carried** and the regular meeting reconvened.

D077425A **22.** No action.

077426 **23.** Commissioner Swannack **moved** Commissioner Kinzer **seconded** the motion and it **carried** to approve the VSP agreement with the State Conservation Commission as presented.

077427 **24.** Commissioner Swannack **moved** Commissioner Kinzer **seconded** the motion and it **carried** to advertise the notice to call for bids for oil and grease.

077428 **25.** Commissioner Swannack **moved** Commissioner Kinzer **seconded** the motion and it **carried** to sign the road levy certification.

DIVISION UPDATES:

D077428A **26.** The following division updates provided by Public Works staff.

Maintenance Division:

D077428B **26A.** Road restrictions have been put in place on most county roads closing them to heavy loads.

Planning Division:

D077428C **26B.** Alan Thomson and Mark Storey are working on the VSP consultant contract and incorporating language that a portion of the funding be used for conservation district work.

D077428D 26C. The Planner advised that the county has received its first application for a retail marijuana business in the Corridor.

D077428E 26D. According to the Planner, the Town of Malden is coming into the fold for the Shoreline Master Program update.

Solid Waste Division:

D077428F 26E. Mr. Storey is working with CH2M Hill on Transfer Station wastewater/pond issues. They had originally thought it would be necessary to build a second pond but may instead use a couple underground tanks along with the existing pond.

D077428G 26F. David Nails is meeting with all the city/town councils seeking additional representation on the Solid Waste Advisory Committee.

Building Division:

077429-077430 26G. The 2015 4th quarter and 2015 year-end Building Division reports received and reviewed.

D077430A 26H. According to Mr. Gladwill, the Prosecutor's office is moving ahead with some of the Building Department's legal issues.

D077430B 27. Approved documents signed.

12:00 p.m. - Recess.

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

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

077431 28. Mr. Berney briefed the commissioners on the January 7th GCBH Board meeting as follows:

D077431A 28A. Executive Session:

This session was used to collect feedback from Board members for inclusion in the annual performance review of the GCBH Director.

D077431B 28B. Funding and Fiscal Operations Committee Report:

The Committee brought forward three recommendations to the Board of Directors.

- To continue funding of the Assertive Community Treatment team in Yakima County through 6/30/16. This is an issue that GCBH has been seeking clarification on for several months. The State says that the funding for this team is in the GCBH contract under a general heading. Funding for the other team like this is listed separately in the contract. GCBH is asking that the Yakima Team be listed separately as well.
- Recommend the Chair approve the application for membership on the committee from a previous member from Yakima County.
- To approve a supplemental budget in the amount of \$2,490,000 for a total biennial GCBH budget of \$211,376,673. Almost all of the additional revenue for this supplement is made up of funding coming into GCBH as part of integration of the public mental health and chemical dependency systems April 1st. In addition the supplemental budget incorporated some decisions already authorized by the Board of Directors. A public hearing was held on this item just prior to the discussion of the motion and vote.

Whitman County voted in favor of all three recommendations and all three votes were unanimous. Yakima County abstained from the vote affecting the team in their County. (Note: Commissioner Largent voted for Whitman County on the supplemental budget as is required by the GCBH By-Laws).

D077431C 28C. Corporate Compliance Committee Report:

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The Committee is currently overseeing the plan to address some concerns identified in the last regular GCBH fiscal audit of the provider in Asotin and Garfield Counties. The provider answered the follow up questions submitted to them by GCBH but they were not really responsive to the underlying concerns. Staff recommended and the Committee support hiring an auditor from the Tri-Cities to review the areas of concerns identified earlier, back three years, so that this issue can be resolved as quickly as possible. Whitman County voted in favor of the recommendation and the vote was unanimous.

D077431D 28D. GCBH Regional Office Update:

- Request to approve a professional services agreement for some computer programming to support the mental health, chemical dependency integration. This person has done a great deal of work for GCBH in the past and does very good work.
- Commissioner Bouchey from Yakima County described a conversation he had with several legislators and others regarding the allocation of beds at Eastern State Hospital. Spokane RSN requested 10 beds from GCBH's allotment be loaned to them. Chelan/Douglas RSN objected to GCBH loaning additional beds to Spokane RSN. It was recommended we have separate agreements with both Spokane and Chelan/Douglas RSNs. Reminder: GCBH had loaned, for a fee, beds to Chelan/Douglas RSN in the past. The Attorney General's Office provided an opinion that this was not appropriate. This requested loan of GCBH's beds would be at no cost to Spokane RSN. A discussion amongst Board members was held regarding, among other things, the political implications of this request.
- The Board's Personnel Committee recommended staff who cover holidays receive extra compensation and that a 2% cost of living increase for GCBH Regional Office staff be authorized. Whitman County voted in favor of authorizing the professional services contract, a loan of some of GCBH's ESH beds to Spokane and Chelan/Douglas RSNs, and to support the Personnel Committee recommendations and all votes were unanimous.

1:50 p.m. - Recess.

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

Present: Troy Henderson, Michael Baker, Jeff Wilmoth, Chris Skidmore, Meg Gallagher and Patricia Black.

DIVISION UPDATES:

Health Officer:

D077431E 29. No report.

Environmental Health:

077432 30. Michael Baker distributed the Environmental Health report for January. The main item was the new requirements for home sales disclosures for wells and septic systems. After much discussion the Board instructed Mr. Baker with the preparation of a draft ordinance for their consideration.

2:05 p.m. - Commissioner Kinzer excused himself from the remainder of today's meeting.

D077432A 30A. Meg Gallagher advised the Board 30% of all the restaurants fees owed to Whitman County have been received to date.

D077432B 30B. Ms. Gallagher has prepared a postcard reminding property owners with septic systems are required to have an annual evaluation.

077433 30C. A proposed 2017 draft Environmental Health fee schedule was received from Mr. Baker. No action taken at this time.

Personal Health:

D077433A 31. No report.

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Administrative:

D077433B 32. No report.

Next Meeting/Adjournment:

D077433C 33. The next Board of Health meeting is March 21, 2016.

D077433D **THE BOARD OF WHITMAN COUNTY COMMISSIONERS** met in their Chambers in the Whitman County Courthouse, Colfax, Washington for **Monday, January 25, 2016 at 9:00 a.m.** Chairman Michael Largent, Arthur D Swannack and Dean Kinzer, Commissioners and Maribeth Becker, CMC, Clerk of the Board attended.

9:00 a.m. - Reconvene/Board Business Continued.

D077433E 34. Approved documents signed.

077434 35. General/Veterans' Relief/Payroll warrants numbered **321093-321164** for **\$311,674.22**.

077435-077445 36. Personnel change orders.

9:05 a.m. - BOCC Workshop.

Present: Gary Petrovich, Cinnamon Brown (9:05 a.m.), Mark Storey (9:20 a.m.) and Bob Reynolds (9:30 a.m.).

077446 37. The following items were discussed but no action was taken.

- Lobbyist Conference Call
- Legislative Steering Comm. Update
- SEWEDA
- Management Conference
- Vault Update
- EWCOG
- Road Closures
- Halme Construction
- CRAB Director
- Treasurer's Consultant
- HVAC Systems
- McKinstry Presentation
- Fairgrounds Projects

10:05 a.m. - Adjournment.

D077446A Commissioner Swannack **moved** to adjourn the **January 19 and 25, 2016** meeting. Motion **seconded** by Commissioner Kinzer and **carried**. The Board will meet in regular session, in their Chambers', in the Whitman County Courthouse, Colfax, Washington, on **February 1, 2016**. The foregoing action made this **25th** day of **January 2016**.

ss/ ARTHUR D SWANNACK, COMMISSIONER
ss/ DEAN KINZER, COMMISSIONER

MARIBETH BECKER, CMC
Clerk of the Board

MICHAEL LARGENT, CHAIRMAN
Board of County Commissioners