

BOCC MINUTES-02/19/19

081264 THE BOARD OF WHITMAN COUNTY COMMISSIONERS met in their Chambers in the Whitman County Courthouse, Colfax, Washington for **Tuesday, February 19, 2019 at 9:00 a.m.** Chairman Arthur D Swannack, Michael Largent 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, Sandy Jamison, Sharron Cunningham, Chris Nelson, Glenda Scheideman, Debbie Kilpatrick, Bailey Wiedmer, Kara Davidson and Jacob Jones (9:00 a.m.).

081265 1. The following items were discussed but no action was taken.

- Year-end Reporting
- Marijuana License Transfer
- BOCC Packets
- Coroner's Surplus Equipment
- Local Revital. Financing Report
- Selway Holdings, LLC Meeting
- Public Facilities Priorities
- Outdoor Amusement Application
- Tekoa Park & Rec. Dist. Loan
- Medicare Eligible Employees
- Road Vacations
- Accountability Audit Exit Conf.
- 2019 Tax Statements
- L&I Reporting-Volunteers/Jurors
- Auditor/Pullman Meeting/GIS
- Pullman Precinct Adjustments
- Criminal Justice Contracts
- District Court-Pullman
- Gladish Building Tour

10:00 a.m. - Recess.

10:15 a.m. - Flag Salute.

Present: Kara Davidson, Jacob Jones and 2 visitors.

D081265A 2. Pledge of Allegiance.

Consent Agenda:

081266 3. Commissioner Largent **moved** Commissioner Kinzer **seconded** the motion and **carried** to accept the consent agenda as presented.

081267 4. Treasurer's Wire Transfers and Check Report in the amount of **\$78,951.79** and General Claims/Veterans' Relief warrants numbered **341258-341363** for **\$114,195.30** approved.

081268 5. February 4, 2019 minutes approved.

081269-081271 6. Personnel change orders approved.

D081271A 6A. Between 01/30/19 and 02/07/19 the commissioners and Clerk of the Board participated in the HIPAA and Open Public Meeting Act training for 2019.

081272 7. Commissioner Largent **moved** Commissioner Kinzer **seconded** the motion and **carried** to appoint Benno Mohr to a 4-year unexpired term expiring 12/31/19 on the Blue Ribbon Advisory Task Committee.

081273 8. Commissioner Largent **moved** Commissioner Kinzer **seconded** the motion and **carried** to send a letter of appreciation to Joshua Garrett as an out-going member of the Water Conservancy Board.

081274 9. Commissioner Largent **moved** Commissioner Kinzer **seconded** the motion and **carried** to sign a resolution appointing Benno Mohr to a 6-year unexpired term expiring 7/16/20 on the Water Conservancy Board.

RESOLUTION NO. 081274

BEFORE THE BOARD OF WHITMAN COUNTY COMMISSIONERS

IN THE MATTER OF REAPPOINTING A MEMBER TO THE WHITMAN COUNTY WATER CONSERVANCY BOARD.

WHEREAS, water conservancy boards were authorized pursuant to SHB-1272 in 1997 and later amended by the legislature in 2001 to allow Water conservancy Board member to be increased from three to five; and,

WHEREAS, Whitman County is in need of replacing one of its members on the local Water Conservancy Board.

NOW, THEREFORE, BE IT RESOLVED that the Board of Whitman County Commissioners hereby reappoints:

Benno Mohr of Pullman, WA to a 6-year unexpired term; and,

This term begins immediately and ends **July 16, 2020**. The Water Conservancy Board will function within the geographical borders of Whitman County, exercising administrative powers enumerated within Title 90 R.C.W. and the attached bylaws; and,

Dated this **19th** day of **February 2019**.

BOARD OF COUNTY COMMISSIONERS
OF WHITMAN COUNTY, WASHINGTON

Arthur D Swannack, Chairman

ATTEST:

Dean Kinzer, Commissioner

Maribeth Becker, CMC
Clerk of the Board

Michael Largent, Commissioner

081275 **10.** Commissioner Largent **moved** Commissioner Kinzer **seconded** the motion and **carried** to sign a letter appointing Benno Mohr to the Water Conservancy Board.

10:20 a.m. - Chris Nelson, Gary Petrovich and Sharron Cunningham.

081276 **11.** Commissioner Largent **moved** Commissioner Kinzer **seconded** the motion and **carried** to grant a 1-year extension expiring 5/1/20 to the 2018 Uniontown Public Facility award deadline.

081277 **12.** Commissioner Largent **moved** Commissioner Kinzer **seconded** the motion and **carried** to sign an addendum to the Public Defense contract.

081278 **13.** Commissioner Largent **moved** Commissioner Kinzer **seconded** the motion and **carried** to sign a contract (with Tyler) for New World updates.

10:25 a.m. - Paul Spencer and 4 visitors joined the meeting.

081279 **14.** At 10:40 a.m. the regular meeting was recessed and the hearing convened by the Chairman for a proposed amendment to Whitman County Code Chapter 2.39 Travel/Advance Travel.

Sharron Cunningham said with the proposed changes, it will bring the code into compliance with the State Auditor's Office.

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The hearing was opened to public comment. There being none the hearing was adjourned and the regular meeting reconvened.

10:45 a.m. - An additional 6 visitors joined the meeting

081280 15. Commissioner Largent **moved** Commissioner Kinzer **seconded** the motion and **carried** to approve an ordinance revising Whitman County Code Chapter 2.39 Travel/Advance Travel pending any union disagreement.

**ORDINANCE NO. 081280
BEFORE THE BOARD OF WHITMAN COUNTY COMMISSIONERS**

WHEREAS, the Whitman County Board of Commissioners met in their Chambers on this 19th day of February 2019; and,

WHEREAS, a public hearing was conducted February 19, 2019 to consider a revision to the Whitman County Code, Title 2, Chapter 2.39-Travel/Advance Travel pending any union disagreement.

NOW, THEREFORE, BE IT HEREBY ORDAINED that the Whitman County Board of Commissioners duly approves the revisions to the Whitman County Code, Title 2, Chapter 2.39-Travel/Advance Travel as described herein.

PASSED, APPROVED AND ADOPTED THIS 19TH DAY OF FEBRUARY, 2019 and effective as of this date.

BOARD OF COUNTY COMMISSIONERS
OF WHITMAN COUNTY, WASHINGTON

Arthur D Swannack, Chairman

ATTEST:

Dean Kinzer, Commissioner

Maribeth Becker, CMC
Clerk of the Board

Michael Largent, Commissioner

Chapter 2.39 - TRAVEL/ADVANCE TRAVEL

Sections:

- 2.39.010 Definitions.**
- 2.39.020 Claims for reimbursement of travel.**
- 2.39.030 Policy regarding travel and advance travel.**
- 2.39.040 Audit of travel and advance travel.**
- 2.39.050 Disallowed charges.**
- 2.39.060 Advance travel policy.**

2.39.010 - Definitions.

- A. Definitions. All words shall have their ordinary and usual meaning except those defined in this section which shall have the meaning set forth below:
 - 1. "County" means any office or department of Whitman County.
 - 2. "Travel" shall consist of lodging, subsistence, transportation, seminar/meeting attendance and related activities in the conduct of official county business.
 - 3. "Official county business" means, but shall not be limited to, conducting legitimate county business such as fulfilling normal job functions,

negotiating agreements, inspecting or purchasing equipment, coordinating with other governmental agencies, serving on interview or judging panels, and providing consultation; or obtaining information or training directly related to a person's official function; or serving as an official representative of Whitman County.

4. Certified Travel Voucher Form. For the purposes of this policy, a certified travel voucher form is certified by the employee's signature and the following language: "I hereby certify under penalty of perjury that this is a true and correct claim for necessary expenses incurred by me and that no payment has been received by me on account thereof," on a form approved by the board of county commissioners detailing travel expenses.
 5. Valid Business Receipt. For the purposes of this policy, a valid business receipt shall be defined as a receipt, provided by the vendor, showing the vendor's name, date of the purchase and amount of the purchase. This receipt can be in the form of a cash register tape with a recognizable description of the item(s) purchased, a ticket stub, an itemized credit card charge receipt with a recognizable description of the item(s) purchased, an invoice, a statement, or in a form generally recognized by the public to be a receipt.
 6. "Quasi-employees" are defined as non-compensated volunteers, advisory committee members, board and commission members and others who are participating in county business but are not on the county's payroll.
- B. Objective. The travel policy for Whitman County is intended to provide a concise statement of practices and procedures to insure consistency for employee travel and insure the efficient use of county travel funds and equipment. The policy also allows for procedures that are designed for ease of audit. Any other travel policy inconsistent with the provisions of this policy are superseded and void.
- C. General Policy. It is the policy of Whitman County to reimburse elected and appointed officials, employees, and members of boards and commissions or other volunteers for their reasonable in/out of state travel expenses actually incurred in the conduct of their business for Whitman County. Reimbursement for such necessary and reasonable expenses will be made subject to the rules herein by application and upon compliance with this policy.
- D. Motor Pool.
1. The county has created a motor pool within the public works department for the use and convenience of employees. Use of the motor pool should be encouraged. The Whitman County Motor Pool Information Manual concerning procedures shall be followed.
 2. Only personnel on official county business are authorized to check out and use motor pool vehicles. Non-employees may assist in driving motor pool vehicles if in the possession of a valid driver's license;
 3. Prior written approval is given by the employee's department head or elected official; and
 4. The department of public works is provided a copy of the above approval and, if not otherwise provided in the above approval, a written notification of the nonemployee's name, address, telephone number, driver's license number, with state of issuance if other than Washington State, and the nonemployee's automobile insurance company's name, address and insurance policy number.
- E. Mileage Reimbursement.
1. Any employee of Whitman County utilizing his/her personal automobile for official county business by permission of their Elected Official, Appointed Department Head, or supervisor shall be reimbursed at a specified rate per mile. The starting and ending locations of official travel is the official work place or the residence, depending on the work schedule at that point in time.

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2. The rate of reimbursement per mile shall be the rate as determined annually by the Internal Revenue Service (IRS) unless the Board of County Commissioners takes specific action otherwise. Any deviation from the IRS mileage rate the BOCC deems necessary will occur annually by resolution adopted at the first regular meeting of the year for the Whitman County Board of Commissioners'.
3. Reimbursement for mileage for travel by county officials or employees between their usual place of residence and their usual place of work shall be prohibited.
4. Parking expenses may be claimed under the category of incidentals and shall include official county automobiles.
5. Employees traveling by common carrier shall be reimbursed for actual expenses incurred; provided, the reimbursement rate of airline travel shall not exceed the coach class rate.
6. Employees will only be reimbursed for excess baggage fees for the transport of county-related equipment or propaganda needed for the approved travel. Excess baggage fees for employees' personal baggage will not be reimbursed.
7. Personal Expenses. When an employee of Whitman County is traveling on official county business, it will be the policy of the board of county commissioners that any personal expenses of the employee will be paid directly to the vendor by the employee, except in emergencies. In the case of an emergency, where it becomes necessary for the employee to reimburse Whitman County upon their return, such reimbursement to the county will include an explanation for the reimbursement, signature of the employee and signature of the elected official or department head or their authorized designee.
8. In the case of an emergency, personal expenses charged on a county credit card while on county travel shall be repaid by the employee to Whitman County upon their return.

F. Meals.

1. Individuals on travel status shall be reimbursed for meal expense while on travel status at the per diem rate as established by the board of county commissioners. Per diem rates include the costs of tax and gratuity. No receipts are required for meals not exceeding per diem rates.
2. Reimbursements shall be made for expenses incurred for meals as follows: Meals in connection with authorized attendance at meetings, conventions, or conferences; meals when official business prevents an employee from returning to his or her home by six p.m.
3. The amounts allowed for meal reimbursement shall be as follows:
 - a. For a full day, which for purposes of this section means a travel period beginning before six a.m. and ending after six p.m., the daily per diem amount applies
 - b. The amount of per diem authorized that is determined on a per meal basis depends on the departure time from Whitman County and the arrival time on return to Whitman County. Departure prior to six a.m. qualifies an employee for breakfast, prior to twelve p.m. qualifies an employee for lunch, and returns after six p.m. qualifies for dinner per diem;
 - c. If on approved county business for the full day, but one or more meals are included in the registration fee, the amount authorized for the included meal will be subtracted from the total authorized per diem allowance to establish the maximum amount available for the remainder of the day.
3. Per Diem Exception. If a compelling business related circumstance exists, meals purchased while on travel status may be reimbursed at actual costs, under the following conditions:
 - a. It shall be at the discretion of the board of county commissioners to determine if this exception applies in a particular situation.

- i. If the exception is found to not apply, the applicable per diem rate may be reimbursed.
 - ii. If the exception is found to apply, the board may grant reimbursement either at actual costs based on valid business receipts, or, if the board determines the actual costs are excessive, unreasonable, or exorbitant, the board will authorize reimbursement at an appropriate sum. For the purposes of this section, "excessive" shall include seeking reimbursement for more than three meals per day, or more meals than are allowed pursuant to subsection (F) (3) (c) herein; "unreasonable" shall include seeking reimbursement for a meal the board deems "excessive" and "exorbitant" shall include obtaining the meal from an establishment which charges excessive prices for meals when other moderately priced establishments are available.
 - iii. An employee, who anticipates that this exception may apply to a pending situation, may obtain a determination by the board prior to departure. While pre-approval is not mandatory, failing to do so could result in the employee bearing meal expenses exceeding the per diem amount. Upon issuing a pre-approval the board shall specify a maximum amount allowed for meals, which shall be binding the employee and actual costs shall not exceed that amount.
 - iv. Employees may be reimbursed when attending a meeting with a meal served that doesn't meet their dietary restrictions and have to eat elsewhere.
- b. While not exclusive, the following situations shall be recognized as being within this exception:
- i. An employee participating in required scheduled training outside of Whitman County, which by necessity occurs between the hours of six p.m. and six a.m., during which the employee is required to purchase a meal(s), upon submitting a valid business receipt(s) such employee shall be reimbursed for the reasonable meal expense(s) at a per meal sum not to exceed the per diem amount authorized for dinner under subsection (F) (3) (b) herein.
 - ii. An employee participating in required scheduled training within Whitman County, which by necessity occurs between the hours of six p.m. and six a.m., during which the employee is required to purchase a meal(s), upon submitting a valid business receipt(s) such employee shall be reimbursed for the reasonable meal expense(s) at a per meal sum not to exceed the per diem amount authorized for lunch under subsection (F) 3) (b) herein.
4. Reimbursement shall be made for reasonable expenses for meals, coffee and light refreshment served to elected and appointed officials, quasi-employees, volunteer board/committee members and county employees regardless of travel status at a meeting where:
- a. The purpose of the meeting is to conduct official county business or to provide formal training to county employees or county officials.
 - b. The meals, coffee, or light refreshments are an integral part of the meeting or training session.
 - c. The elected official, board of county commissioners, or the department head or designee approves payments in advance for the meals, coffee, or light refreshments.

(Ord. 66916 (part), 2007; Ord. No. 71609, 2-7-2011)

2.39.020 - Claims for reimbursement of travel.

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- A. Claims for reimbursement of travel shall include a meeting/conference agenda or a clear explanation of the travel with itinerary, a valid business receipt for all meals not qualifying for per diem, lodging and travel related expenses requested on the appropriate, certified travel voucher form.
- B. The claim for reimbursement of travel shall be properly certified by the employee and submitted to his/her elected official or department head (or their authorized designee), who will be responsible for checking and verifying the accuracy of the claim. After signing the employee's claim for reimbursement of travel, the claim will be delivered to the county auditor's office.
- C. Any reimbursement expense form submitted later than six (6) months from the date of occurrence will be considered invalid and thus, not subject to reimbursement, unless there are extenuating circumstances approved by the elected official, department head and/or supervisor.

(Ord. 66916 (part), 2007; Ord. No. 71609, 2-7-2011)

2.39.030 - Policy regarding travel and advanced travel.

- A. Reimbursement typically will be only for the expenses of the employee. If a nonemployee accompanies the employee and such nonemployee is not traveling on county business, the employee will be reimbursed the cost of lodging equal to the single occupancy room rate. (Also, see subsection E of this section, expenditures for nonemployees.)
- B. Tipping Policy. Officials and employees of Whitman County who are traveling on official county business are authorized to add a tip to a meal expense in an amount not to exceed 15 percent of the meal expense.
- C. Personal Expenses Prohibited. Officials and employees of Whitman County are prohibited from spending travel funds for personal expenses and entertainment.
- D. Exceptional Circumstances. In exceptional circumstances and prior to the travel, where pre-identified conflicts with the provisions of this policy exist, the chairperson of the board of county commissioners may grant written approval to accept a certified statement for specific and specified expenses. These exceptional circumstances include those travel and training expenses incurred by an employee in which no valid business receipt will be able to be obtained by the employee.
- E. Expenditures for Nonemployees. If an elected official, department head, or employee is filing a claim for reimbursement on behalf of nonemployees, he/she must prepare a detailed account that includes:
 - 1. Names of the others who traveled, partook of meals, or otherwise incurred expenses;
 - 2. Whether they were county employees, and if not, who they were and what connection they had with county business. This shall not be construed to permit promotional hosting;
 - 3. Who provided the lodging, meals or other services in question, dates and times;
 - 4. A detailed breakdown of amounts;
 - 5. Some statement sufficiently explicit to show that county business was being carried out when the expenses were incurred;
 - 6. Quasi-employees do not qualify for per diem rates. Actual expenses with valid business receipts must be submitted for reimbursement.

(Ord. 66916 (part), 2007; Ord. No. 71609, 2-7-2011)

2.39.040 - Audit of travel and advanced travel.

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- A. The county auditor shall examine all claims to verify their payment does not violate state law, county ordinance or resolution.
- B. The county auditor shall also examine all claims for completeness, proper BARS coding and accurate documentation attached to support the claim. Accurate documentation is defined as valid business receipts, if necessary, for all meals, lodging and travel-related expenses requested, a detailed agenda of the meeting/conference that references meals that are provided, and the completed certified travel voucher form.
- C. If a receipt has been irretrievably lost or destroyed, the procedure detailed in Section 3.14.070, "Lost credit card charge receipts", will be followed. An Affidavit of Lost Receipt will be completed for each lost or destroyed receipt.
- D. If complete, the claim will be presented to the board of county commissioners for consideration.
- E. If not complete, the county auditor will follow the provisions of Section 3.12.060, Obligation to pay, previously stated in the Whitman County purchasing policy.
- F. The board of county commissioners may approve/reject all or any part of the claim.
- G. If the claim is approved, the county auditor will write a warrant payable to the employee, or in the case of advance travel, a warrant payable to the advanced travel revolving fund. The county auditor will debit the affected department's travel budget for the amount of the warrant.
- H. When a claim or any part of a claim is rejected by the board of county commissioners, the clerk of the board will notify the employee and elected official or department head in writing, explaining the reason(s) for the rejection. The employee may make one additional accounting of the funds sought to be reimbursed and resubmit the claim. The decision of the board of county commissioners on the resubmitted claim shall be final.

(Ord. 66916 (part), 2007; Ord. No. 71609, 2-7-2011)

2.39.050 - Disallowed charges.

It is the responsibility of each elected official or department head to obtain payment for all disallowed charges or personal charges listed on the billing statement, prior to submitting a claim to the county auditor. Disallowed charges include:

- 1. Alcohol
- 2. Hotel pay-per-view movies/programs
- 3. Souvenirs/memorabilia
- 4. In-room refrigerated items/incidentals (alcohol, water, soda, snacks, etc.)
- 5. Excursion costs not included in conference registration
- 6. Any other charges not included in room cost

2.39.060 - Advance travel policy.

- A. General Policy.
 - 1. Policy Statement. The board of county commissioners feels it is in the best interest of the county and the county employees to provide an advance travel revolving fund. This fund is for the benefit of those county employees required to travel for the county in pursuit of necessary education and representation of the county's interest in activities. These funds shall be used solely for travel-related expenses and shall not be used for direct payments to vendors. These funds also shall not be used for personal loans,

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payment of airline tickets, pre-registration fees, or reimbursement to employees or officers for travel already incurred.

2. Objectives. The objective of this policy is to insure the efficient use and replacement of county advance travel funds in a correct and timely manner.
- B. Qualifications for Use. Only Whitman County employees may receive advance travel funds. Members of voluntary boards do not qualify.
- C. Restrictions. No more than one advance should be taken at any one time by an employee. Therefore, if the employee has not returned an advance, he/she will not be entitled to a second one.
- D. Employees Terminating Employment. The elected official or department head shall have the responsibility to check with the county treasurer before submitting the final payroll prelist to the auditor's office for the employee upon his/her termination to insure that there are no outstanding travel advances. Any outstanding reimbursements due to Whitman County by an employee will be deducted from the employee's last check/direct deposit.
- E. Noncompliance.
1. Unspent advance travel will be returned to the county treasurer within five working days of the employee's return date. On a case-by-case basis, the county treasurer is authorized to extend the return time period up to 15 working days for those employees who request, in writing, a time extension.
 2. Should an employee fail to file his/her return within the required five-day period (or length of extension previously authorized by the county treasurer), his/her elected official or department head will be notified. The elected official or department head will have two working days from the time the problem is brought to his/her attention to require a proper return is completed. If this is not done there will be a ten percent penalty attached to the amount that was advanced. This penalty amount will be payable by the employee. Any outstanding advance travel will be brought to the attention of the board of county commissioners by the county treasurer if not resolved by the elected official or department head in two working days. The board of county commissioners may suspend or prevent the employee from the use of advance travel funds. In the event that an employee has to be contacted for being delinquent on two consecutive advances, that employee's elected official or department head and the employee will be notified in writing by the board of county commissioners that the employee will no longer be eligible for advance travel funds.
 3. If an employee does not substantiate expenses and/or return excess advances to the Treasurer's office within five working days after the end of travel or other negotiated time, the advance is included in wages to the employee and are subject to income and employment taxes no later than the first payroll period following the end of return date.
If an employee substantiates expenses and returns excess advances after the county has treated amounts as wages, the county will not return any withholding or treat amounts as nontaxable.
- F. Procedures for Obtaining Advance Travel and Procedures Following Return from Travel.
1. Procedures for obtaining advance travel will be published by the county treasurer.
 2. Procedures for an employee following their return from travel as it pertains to the advancement of funds for said travel will be published by the county treasurer.
- (Ord. No. 71609, 2-7-2011)

D081280A 15A. Chairman Swannack advised those in attendance waiting for the Selway Holdings, LLC zone change issue that the Board would be receiving the official transmittal,

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**AUTHORIZING THE SALE, DONATION OR)
DISPOSAL OF THE SAME)**

WHEREAS, in accordance with R.C.W. 36.34.020 and Whitman county commissioners resolution #073282, authorization is granted to department managers to dispose of surplus property at the discretion of the department manager without publishing an intent to sell, provided the individual value does not exceed \$2,500; and,

WHEREAS, the Board of County Commissioners, after due consideration, have declared the attached list of items as surplus to the County's needs.

1. Steelcase Desk (Tan) ID #01072
2. Gray Plastic 5 Shelf Shelving System (33" X 72") No ID
3. Metal Lateral Storage System - 6 Drawer (Blue/White) 3 Units ID #02088, 02089, 02090
4. Pressboard Desk Small (Brown) ID #46947
5. Metal 3 Drawer File Cabinet (Dark Green)No ID
6. Wooden 3 Shelf Unit Small (Brown) No ID
7. Danby Refrigerator Small (White)No ID
8. Camera Equipment - Miscellaneous (2 Kodak Easy Share LS443 ID#46561 and No ID and docking station; Kodak Easy Share Z1012 No ID; Olympus Infinity Zoom 200 No ID; Minolta Camera Lens ID#03344; 2 Kodak AA or AAA Chargers No ID)

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of County Commissioners, that the above listed equipment is declared surplus and may be sold, donated or disposed of by the Department Manager in accordance with law.

Dated this 19th day of February, 2019.

BOARD OF COUNTY COMMISSIONERS
OF WHITMAN COUNTY, WASHINGTON

Arthur D. Swannack, Chairman

Attest:

Dean Kinzer, Commissioner

Maribeth Becker, CMC
Clerk of the Board

Michael Largent, Commissioner

CORRESPONDENCE:

D081284A 20. The following correspondence was received:

081285 20A. Notice of a change of marijuana location for Alto Buddha, Leavenworth, WA to Pullman, WA was received from the Washington State Liquor and Cannabis Board. After receiving information later in the meeting regarding this request, the Chairman sent a letter to the Washington State Liquor and Cannabis Board requesting an extension to the 20-day response deadline to formulate input regarding this location change due to health, safety and welfare concerns.

081286 20B. Information pertaining to the Nez Perce Tribal Hatchery Operations and Snake River Steelhead Kelt reconditioning project was received from the Department of Energy.

081287 20C. A letter of appreciation for the commissioners' holding a special meeting at Steptoe was received from Ken Akesson.

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- 081288** **20D.** Notice of liquor licenses due to expire 05/31/19 was received from the Washington State Liquor and Cannabis Board.
- 081289** **20E.** Information regarding the boundary and annexation survey was received from the US Census Bureau.
- 081290** **20F.** A notice of a commodity credit revision filing for Pullman Disposal Service, Inc. was received from Booth & Davis, Certified Public Accountants.
- 081291** **21.** Commissioners' pending list reviewed.
- D081291A** **21A.** Chairman Swannack once again advised those in attendance waiting for the Selway Holdings, LLC zone change issue that the Board would be receiving the official transmittal, setting a date for a public meeting, authorizing the public notice and will allow comments after Public Works Division Updates.

11:00 a.m. - Public Works.

Present: Mark Storey, Brandon Kruger, Dean Cornelison and Alan Thomson, Paul Spencer, Kara Davidson, Jacob Jones, Garth Meyer, Evan Ellis and approximately 30 visitors.

- 081292** **21A.** The following Public Works related issues approved/updated:

ACTION ITEMS:

- 081293** **22.** Commissioner Largent **moved** Commissioner Kinzer **seconded** the motion and it **carried** to approve publishing the notice of call for bids for liquid asphalt.
- 081294** **23.** Commissioner Largent **moved** Commissioner Kinzer **seconded** the motion and it **carried** to approve publishing the notice for no spray on residual and noxious weeds.
Notice noxious weed no spray
- 081295** **24.** Commissioner Largent **moved** Commissioner Kinzer **seconded** the motion and it **carried** to approve a resolution to revise the Countywide Safety Improvement plan.

**RESOLUTION NO. 081295
BEFORE THE BOARD OF WHITMAN COUNTY COMMISSIONERS**

In the matter of revising Resolution No. 079986, county road projects are revised as follows: Countywide Safety Improvements-Pavement Markings and Rumble Strips, C.R.P.'s No. 2000-4 Et Al (Pavement Markings) and 4000-17 Et Al (Rumble Strips), Project No.'s XFR1801 (Pavement Markings) and XFR1802 (Rumble Strips).

IT IS HEREBY RESOLVED that the Countywide Safety Improvements be improved as follows:

- Hume Road, County Road No. 2000, mileposts 0.00-12.45, pavement marking
- Klaveano Road, County Road No. 2740, mileposts 0.00-1.73, pavement marking
- Pine City-Malden Road, County Road No. 3000, mileposts 13.30-18.65, pavement marking
- Sunset Road, County Road No. 3360, mileposts 0.00-7.30, pavement marking
- Senator Eugene Prince Road, County Road No. 3370, mileposts 0.00-1.51, pavement marking
- Thorn Creek Road, County Road No. 3380, mileposts 0.00-8.25, pavement marking
- McMeekin Road, County Road No. 3860, mileposts 0.00-1.88, pavement marking
- Old Thornton Hwy, County Road No. 3910, mileposts 0.00-6.04, pavement marking
- Lancaster Road, County Road No. 4100, mileposts 0.19-18.16, pavement marking
- Parvin Road, County Road No. 5000, mileposts 0.00-3.32, pavement marking
- South Endicott Road, County Road No. 6140, mileposts 0.13-4.94, pavement marking
- Young Road, County Road No. 6170, mileposts 0.00-2.96, pavement marking
- Lacrosse Airport Road, County Road No. 6320, mileposts 0.00-3.21, pavement marking
- Zaring Cut Off Road, County Road No. 7080, mileposts 0.00-3.25, pavement marking
- Church Hill Road, County Road No. 7100, mileposts 0.00-2.78, pavement marking

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Wawawai Road, County Road No. 9000, mileposts 0.00-3.18, pavement marking
Endicott Road, County Road No. 4000, mileposts 14.53-24.39 and 25.19-29.81, rumble strips
Palouse Cove Road, County Road No. 5150, mileposts 0.29-4.01, rumble strips
Albion Road, County Road No. 5400, mileposts 0.00-3.34, rumble strips
Pullman-Albion Road, County Road No. 5500, mileposts 0.26-4.01, rumble strips
Pullman Airport Road, County Road No. 5600, mileposts 3.40-6.11, rumble strips

This project is hereby declared to be a public necessity and the County Engineer is hereby ordered and authorized to report and proceed thereon as by law provided (RCW 36.75.050, 36.80.030, 36.80.070).

IT IS FURTHER RESOLVED that an appropriation from the official adopted county road fund budget and based on the County Engineer's estimate is hereby made in the amounts and for the purposes shown:

PURPOSE	AMOUNT OF APPROPRIATION
Preliminary Engineering	\$ 10,000.00
Contract & Construction Engineering	<u>\$327,000.00</u>
TOTAL	\$337,000.00

This project is included in the officially adopted annual road program as Item No. 3.

IT IS FURTHER RESOLVED that the construction is to be accomplished by contract in accordance with RCW 36.77.020 et. seq.

ESTIMATED date of commencing work: March 1, 2018
ESTIMATED date of completing work: October 31, 2019

ADOPTED this 19th day of February, 2019.

BOARD OF COUNTY COMMISSIONERS
OF WHITMAN COUNTY, WASHINGTON

Arthur D Swannack, Chairman

ATTEST:

Dean Kinzer, Commissioner

Maribeth Becker, CMC
Clerk of the Board

Michael Largent, Commissioner

081296 **25.** Commissioner Largent **moved** Commissioner Kinzer **seconded** the motion and it **carried** to approve the resolution of intent to vacate and abandon all of Randell Road #9580.

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

In the Matter of the Intent to)	RESOLUTION NO. <u>081296</u>
and Abandon to all of the)	
Randell Road, County Road No 9580)	
in Section 26, Township 14 North,)	INTENT TO VACATE AND DIRECTIVE
Range 45 East, W.M.,)	TO COUNTY ENGINEER FOR REPORT
Whitman County, Washington)	

WHEREAS, the Whitman County Board of County Commissioners considers useless, for the public, all of the Randell Road, County Road No. 9580 located in the SW ¼ of the SE ¼ and the SE ¼ of the SW ¼ of Section 26, Township 14 North, Range 45 East, W.M., in Whitman County, Washington, to vacate and abandon said Randell Road, County Road No. 9580.

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more particularly described as follows: All of the Sauve Road lying between the intersection with the southerly right of way line of the Schlee Road, County Road Number 9290 and the intersection with the beginning point of the previous vacated portion of roadway vacated January 15th, 1934. The whole distance of approximately 0.21 miles.

IT IS FURTHER RESOLVED that pursuant to RCW 36.87.040 the Whitman County Engineer shall investigate and prepare a report on the issue of vacating the Sauve Road, County Road No. 9310.

IT IS FURTHER RESOLVED that this resolution be entered upon the minutes of this Board.

DATED at Colfax, Washington, this 19th day of February, 2019.

BOARD OF COUNTY COMMISSIONERS
OF WHITMAN COUNTY, WASHINGTON

Arthur D Swannack, Chairman

Dean Kinzer, Commissioner

ATTEST:

Maribeth Becker, CMC
Clerk of the Board

Michael Largent, Commissioner

081299 **28.** Commissioner Largent **moved** Commissioner Kinzer **seconded** the motion and it **carried** to approve publishing the notice to set a public hearing of intent to vacate and abandon all of Suave Road #9310.

081300 **29.** Formal Transmittal for Selway Holdings, LLC Zone Change received from the Planner to operate a marijuana processing facility on 3.5 acres requiring a change of zone from agricultural to light industrial district.

081301 **30.** Commissioner Largent **moved** Commissioner Kinzer **seconded** the motion and it **carried** to set a public meeting on March 4, 2019 at 11:30 a.m. for the Selway Holdings, LLC zone change.

081302 **31.** Commissioner Largent **moved** Commissioner Kinzer **seconded** the motion and it **carried** to approve publishing the notice of a public meeting for the Selway Holdings, LLC zone change.

DIVISION UPDATES:

D081302A **32.** The following division updates provided by Public Works staff.

Engineering Division:

D081302B **32A.** The Director provided an update on the 2 current crushing projects.

Maintenance Division:

D081302C **32B.** Brandon Kruger update the commissioners on the road conditions and crews.

D038302D **32C.** According to the Director, the spray truck is currently at the dealership for repairs.

D081302E **32A.** Chairman Swannack once again advised those in attendance for the Selway Holdings, LLC zone change issue the actual public meeting will take place on March 4th at 11:30 a.m. but the Board would allow comments today.

COMMENTS

Joel Velosco is a WSU student and supports the zone change.

Allison Banner is a WSU alumni and part owner of the land and supports the zone change and requested the commissioner be objective.

081303 Jordon Zager in favor of zone change and asked commissioners to remain objective; unanimous approval was received from the Planning Commission and the proposal fits.

Paul Mihalyov didn't want to step on any toes or have a negative impact when this process began and is willing to visit with anyone about this.

Scott Adams said this could have a significant impact throughout the county. As the Board considers this request they should be willing to implement additional requirements so business owners are fully aware of what will be expected of them; encourage courageous leadership and take into account all information while being deliberate and thoughtful.

Kelli Fukai, SEL government affairs employee reiterated Scott Adams comments and required an opportunity for comment.

Curtis Troll said he has been involved in zone change request at the city level and the burden has always been on the requestor and this is not the case here; the burden has not been met here; not sure there is a need for additional marijuana process.

Gretchen Wyrick, a 6th generation in Whitman County said she is gravely concerns about the effects of drugs on individuals and what this will do to the community. She talked about visiting a friend at 8 p.m. and she could smell the odor from that plant. She recently observed people standing on the street in front of Jefferson School smoking marijuana.

081304 Professor and Dean Andre-Denis Wright said he is representing WSU and the impacts this facility might have on their dairy across the road. The statutes don't recognize marijuana as an agricultural product. However, under state law it is legal to produce, process and sell marijuana. WSU is proud to have these individuals become entrepreneurs but the activities need to be done in a way not to negatively impact the community. Odors inhaled by cattle has a negative effect. WSU is requesting a 3 month stay on this project to gather more information and not negatively/significantly impact the Dairy.

Aaron Fosback said he is a resident on Country Club Road and has concerns about the proposed facility; he read excerpts from "Pondering the Palouse" on the county's website. Mr. Fosback said when he began building his home 5 years ago they did review the comprehensive plan and there was no provision for this type of facility and requested the application be rejected.

Stephanie Fosback, a local physician felt her concerns at the Planning Commission were not taken seriously. She is not anti-marijuana but has significant concerns about the impacts of our health. We don't know now what the health impacts will be 30 years from now and we may regret our actions today. This is considered "silent consent". She did not want to raise her children in this type of environment. Ms. Fosback said she has dedicated 10 years to the health and well-being of this community and wants to continue to have that right.

Pullman has advantages for recruitment because of their reputation and they will not be able to draw professionals and medical service will decrease. Think about who you want to draw to Pullman and have regulations like all other counties in the state and until that happens no licenses should be approved.

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Nancy Gregory, a nurse practitioner for 40 years in the area presented some statistics about marijuana, such as personality disorders, anti-social behaviors, memory and cognitive speed. Individuals using marijuana are more apt to commit suicide. Marijuana is a gateway drug and what we don't know is if casual exposure by driving by impacts us. Ms. Gregory asked that this project not be rezoned. She said it is a personal affront the Board would even consider this; the medical industry works hard to get their patients off drugs.

Commissioner Largent interjected, the Board did not bring this application forward.

Mrs. Fosback said a moratorium is required and the lack of regulations is consent.

Benno Mohr, physician said he agrees with the comments made in opposition to the request. Marijuana regulations are needed; The people feel strongly about community, health, environmental affects and our image, quality of life, chemical showing up in cows milk, etc. Whitman County has gone long enough without regulations. He added, we are now seeing licenses in our county coming from other counties that have imposed regulations.

Catherine Lloyd requested the zone change request be denied. She lives down the road from the facility. She asked for a moratorium on anymore facilities until the Board decides how to handle this and the zone change is only about processing marijuana. Because Whitman County is handling this as an agricultural product, as long as they have a state license they can grow it. The Board has a pending application to grow marijuana from the rezone applicant. Every time there is an application it goes to the county. The county has 20 days to object to the license and the state's record shows Whitman County has not objected to any license. Ms. Lloyd asked the Board to object to this license within the 20-day timeframe.

Ms. Lloyd also pointed out her concern about public comments for rezone before the Planning Commission that don't seem to matter and their concerns are ignored, i.e. water, air, odor are all ignored. Public comment should matter. If breathing a grow operation can be absorbed by cows - what about humans? People should have a choice for this chemical not to be in their systems, just as other people have the choice for the chemical to be in their systems.

Ms. Lloyd asked the commissioners to please listen to them and stop the licensing. There is a pattern for licensees moving out counties that have imposed restrictions.

Benno Mohr added, the state says the county commissioners have full authority.

Joe Harris, retired WSU professor agreed with the other comments. He didn't understand the motivation for the county to allow this zone change to go through.

Catherine Lloyd commented, there is no process in place for a marijuana grow facility in Whitman County.

Commissioner Largent said there are apparently 17 reasons why the county could oppose a license. There mere fact the county opposes it doesn't mean the state won't issue a license.

Commissioner Swannack said when the law changed, the Board decided it the application was in agricultural land they would consider it horticulture; we didn't want to say yea or nay on the Washington State Liquor and Cannabis Board applications because they were concerned about the federal regulations. The Board did not want to regulate something that could become illegal.

Sheriff Brett Myers said if there is something that can be done at the county level he would appreciate that. He doesn't want to see Whitman County becoming a mecca for marijuana. He also stated he has never driven by a grow facility that he was not able to smell.

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Joe Harris asked the commissioners if they will do everything in their power to oppose this and Commissioner Largent said, the Board is obligated to follow the law as written. Should there be a different ordinance that regulates marijuana and process different, would be appropriate for a public process. However, there is much dust in the air and threats of lawsuits.

Chairman Swannack said the Board, in its capacity as quasi-judicial, cannot say yea or nay because they would not be weighing all the evidence.

Catherine Lloyd said there are currently 2 licenses under consideration to grow and process. If the Board doesn't place a moratorium on marijuana they can start growing even before the zone change decision is made.

Alan Thomson pointed out once an application is vested by the county, the applicant has the legal right for the process to proceed.

It was suggested and the Board concurred to set up a meeting with their legal counsel to discuss a moratorium.

Benno Mohr added, an environmental impact issue should have been brought up and was not included in the SEPA checklist.

No action was taken at this time.

D081304A 33. Approved documents signed.

12:20 p.m. - Recess.

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

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

081305 34. Mr. Berney reviewed the regular Executive Committee meeting held on February 7, 2019 of the Greater Columbia Administrative Service Organization (GCBH-ASO).

081306-081307 34A. Resolutions and Professional Service Agreements:

- Resolutions Background: Two resolutions were presented to maintain benefit packages that had been provided by the BHO under the new ASO.
 - #19-07: Voluntary Medical Saving Account
 - #19-08: Provide Social Security coverage
 - I hope to come with copies of these resolutions for signature by Whitman County.
- Professional Service Agreements (PSAs) Background: Four current PSAs were presented in order to change from the BHO to the ASO. No dollar amounts were changed.
 - For Jet Computer Support
 - For Medical Director: Dr. Lippman
 - For Attorney Jim Bell
 - For Infrastructure

Whitman County voted in favor of the motion to sign all PSAs. The motion passed unanimously.

D081307A 34B. Authorize Chair to Sign Contracts:

- All of these contracts were present under the BHO and the State missed revising them when GCBH became an ASO.
 - HCA State contract amendment #1; language clean up
 - Long Term Behavioral Health Housing Subsidy - pass through to Comprehensive Health Care.

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- Diversion Program - pass through to Lourdes Health Care.
- HARPs (Temporary Housing Transitions) Program - pass through to Comprehensive Health Care; to serve all of Greater Columbia.

Whitman County voted in favor of the motion to authorize the Chair to sign all contracts presented passing unanimously.

D081307B 34C. Committee Appointments:

- Applications for the Clinical Directors, Crisis Providers, Funding/Fiscal, MIS, and QMOC committees were acted upon.

All applications were approved by the Chair.

D081307C 34D. Greater Columbia LLC Operating Agreement:

- We knew there would have to be changes made to the initial Operating Agreement as the State clarified what they were going to require from each ASO. The current statute required BHOs to use County Treasurer Offices. This will not work for all ASOs since there is one that is not a County or a group of Counties.
- The applicable RCW will have to change but it has not changed yet. County Prosecutors like to be able to read the relevant RCW before giving advice.
- In order to change the Operating Agreement all GCBH Counties have to agree. A motion was made to begin the process of changing the Operating Agreement with the understanding that each Board of County Commissioners would have to vote officially at a later date.
 - The motion passed; Two Counties voted no; Whitman County abstained
 - The vote was later determined not to be official
- Nothing has to happen until the statute actually changes if that is what the Counties want. However this violates some contract language.

D081307D 34E. GCBH ASO Other Business:

- You will be receiving a letter from the State Auditor's Office regarding their exit conference for GCBH. There will be a continuation of one finding from the last audit.
- Lourdes will be closing their Detox Program by March 1st.
- Nomination/Appointment of additional Officers for the ASO:
 - Vice Chair: Chris Seubert
 - Secretary: Charles Amerein
 - Treasurer: Ron Anderson

Whitman County voted in favor of the motion. The motion passed unanimously.

2:00 p.m. - BOCC Workshop.

Present: Chris Nelson.

081308 35. The following item was discussed but no action was taken.

- Classifications Reviewed

3:00 p.m. - Recess.

D081308A THE BOARD OF WHITMAN COUNTY COMMISSIONERS met in their Chambers in the Whitman County Courthouse, Colfax, Washington for **Monday, February 25, 2019** at **9:05 a.m.** Chairman Arthur D Swannack, Michael Largent and Dean Kinzer, Commissioners and Acting Clerk, Connie Ellis attended.

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

D081308B 36. Approved consent agenda items signed.

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081309 **37.** Treasurers Wire Transfers and Check Report in the amount of **\$291,234.79**, Payroll warrants numbered **341443-341449** for **\$440,723.71** and General/Veterans' Relief/Payroll warrants numbered **341371-341442** for **\$426,774.13** approved.

081310-081315 **38.** Personnel change orders.

081316 **38A.** Commissioner Largent **moved** Commissioner Kinzer **seconded** the motion and it **carried** to amend the agenda adding item #42-Marijuana Moratorium.

9:05 a.m. - BOCC Workshop.

Present: Gary Petrovich, Mark Storey, Chris Nelson, Sharron Cunningham, Sandi Jamison (9:05 a.m.) Jessica Jensen (10:05 a.m.).

081317-081320 **39-42.** The following items were discussed but no action was taken.

- Restricted Operations
- Public Communications
- Medicare/Financial Specialist WS Change
- Outdoor Amusement & Assembly App
- Local Emergency Management Meeting
- GIS
- Drone Policy
- Hazmat Training
- 2017 Accountability Exit Audit
- 2018 .1 New World Update
- Tax Statements
- Tekoa Park & Rec District Loan
- County Public Works' Operations
- Solid Waste Financial Plan
- Draft Ground Water Analysis
- New Public Works Building
- Elections
- Criminal Justice Service Meeting
- Lobbyist Conference Call
- Internal Service Funds
- Marijuana Moratorium

11:10 a.m. - Adjournment.

D081320A Commissioner Largent **moved** to adjourn the **February 19** and **25, 2019** 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 **March 4, 2019**. The foregoing action made this **25th** day of **February 2019**.

ss/ DEAN KINZER, COMMISSIONER
ss/ MICHAEL LARGENT, COMMISSIONER

MARIBETH BECKER, CMC
Clerk of the Board
By: Connie Ellis
Acting Clerk

ARTHUR D SWANNACK, CHAIRMAN
Board of County Commissioners