

Minutes for March 27, 2006

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065272 THE BOARD OF WHITMAN COUNTY COMMISSIONERS met in their Chambers in the Whitman County Courthouse, Colfax, Washington for **March 27, 2006 at 9:00 a.m.** G.R. Finch, Chairman, Greg Partch and Les Wigen, Commissioners and Maribeth Becker, CMC, Clerk of the Board attended.

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

Present: Gary and Valerie Hunt and Kelli Campbell.

D065272A 1. Commissioner Partch **moved**, Commissioner Wigen **seconded** the motion and it **carried** to go into executive session with the above individual(s) until 9:30 a.m. for negotiation matters.

9:30 a.m. - Return to Open Session/BOCC Workshop.

065273 2. Items discussed included the Quarterly Regional Breakfast, the SR 270 project and WSU buildings. No action taken.

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

Present: Michelle Dupler, Fran Martin, Tom McKinney and Thinkh Nguyen.

D065273A 3. **Motion** by Commissioner Wigen to approve the consent agenda with two additions. Motion **seconded** by Commissioner Partch and **carried**.

065274 4. Claims/Payroll warrants numbered **188617-188729** for **\$252236.58** approved.

FUND	FUND NAME	AMOUNT
001	Current Expense	99,889.55
101	Self Insurance	1,470.17
102	Building & Development	80.82
103	Countywide Planning	148.13
104	Developmental Services	13.77
110	County Roads	16,284.86
118	Inmate Welfare	739.66
123	Paths & Trails	108.85
127	Drug Enforcement-Quad City	5,470.46
132	Auditor's Document Preservation	9,257.79
135	Prosecutor's Stop Grant	10.28
136	Electronic Monitoring	17.25
300	Capital Projects-300.010.001	13,398.46

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400	Solid Waste	80,998.45
501	Equipment Rental & Revolving	3,587.78
513	Communications Revolving	367.89
660	Whitcom-General-660.911.000	465.46
660	Whitcom-Grant Funding-660.911.001	9,800.64
660	Whitcom-Capital Projects-660.911.002	2,797.72
690	CAC Agency Svc.-690.026.001	7,328.59

065275-065279 5. Personnel board orders approved.

065280 6. March 20, 2006 minutes approved.

065281 6. A news release was read by the Chairman concerning the Board's intent to request reducing the amount of units purchased through contract with Paradise Ford Mercury on February 13, 2006 from 3 to 1.

065282 7. Chairman Finch then read the letter addressed to Paradise Ford as noted in 065281. Commissioner Partch **moved** and Commissioner Wigen **seconded** the motion to sign this letter.

Commissioner Wigen wanted everyone to know when the SUV issue came up 2 months ago he told the Public Works Director, his fellow commissioners and Phil Meyer, Fleet Manager, he didn't want a county vehicle. He also didn't want to take the blame for the bad publicity because he said no.

Commissioner Partch wanted to make it perfectly clear, although the newspaper article did not do so, that the \$600 travel allowance is a system that was put in place many years prior (1987) to this Board taking office. Many other counties use the same system. It is not illegal or unethical, although the newspaper implication implies that. Other alternatives have surfaced that they will explore. Motion **carried**.

10:10 a.m. - Sharron Cunningham and John Henry.

065283 8. Commissioner Wigen **moved**, Commissioner Partch **seconded** the motion and it **carried** to sign a proclamation acknowledging the "Week of the Young Child".



P R O C L A M A T I O N

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Whereas, the Whitman County Commissioners and other local organizations, in conjunction with the National Association for the Education of Young Children, are celebrating the Week of the Young Child, April 2-8, 2006; and,

Whereas, these organizations are working to improve early learning opportunities, which are crucial to the growth and development of young children, and to building better futures for everyone in Whitman County, Washington; and,

Whereas, all young children and their families across the country and in Whitman County deserve access to high-quality early education and care; and,

Whereas, in recognizing and supporting the people, programs and policies that are committed to high-quality early childhood education as the right choice for kids,

The Whitman County Commissioners, do hereby proclaim April 2-8, 2006 as:

THE WEEK OF THE YOUNG CHILD

in Whitman County, Washington and encourage all citizens to work to make a good investment in early childhood in Whitman County.

Dated this 27th day of March 2006.

BOARD OF COUNTY COMMISSIONERS
OF WHITMAN COUNTY, WASHINGTON

G.R. Finch, Chairman

Greg Partch, Commissioner

ATTEST:

Maribeth Becker, CMC
Clerk of the Board

Les Wigen, Commissioner

10:15 a.m. - Ed Schultz and Don Nelson.

065284 9. Commissioner Wigen **moved**, Commissioner Partch **seconded** the motion and it **carried** to implementing the 1/10 of 1% emergency communications sales tax approved by the voters March 14, 2006.

RESOLUTION NO. 065284

BEFORE THE BOARD OF WHITMAN COUNTY COMMISSIONERS

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WHEREAS, the Board of Whitman County Commissioners previously passed Resolution No. 065046, calling for a special county election and placing on that ballot "Proposition No. 1 - Emergency Communications Systems and Facilities, which proposition would authorize the imposition of one-tenth of one percent sales and use tax, all in conformance with RCW 82.14.420; and,

WHEREAS, Proposition No. 1 was placed on the county's ballot during the election that was held on March 14, 2006; and,

WHEREAS the Whitman County Auditor reports that Proposition No. 1 passed by a majority of votes in that election.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of Whitman County Commissioners that the sales and use tax of one-tenth of one percent, authorized by RCW 82.14.420, and approved by the voters of Whitman County on March 14, 2006 shall be implemented beginning July 1, 2006 at 12:01 a.m. The tax imposed shall be in addition to any other taxes authorized by law and shall be collected from those persons who are taxable by the state under the Revised Code of Washington Chapters 82.08 and 82.12 upon the occurrence of any taxable event within the county. The rate of tax shall equal one-tenth of one percent of the selling price in the case of a sales tax, or value of the article used, in the case of a use tax.

DATED this 27th day of March 2006.

BOARD OF COUNTY COMMISSIONERS
OF WHITMAN COUNTY, WASHINGTON

G.R. Finch, Chairman

Greg Partch, Commissioner

ATTEST:

Maribeth Becker, CMC
Clerk of the Board

Les Wigen, Commissioner

065284A 10. A cover letter and copy of resolution #065284 was forwarded to the Department of Revenue acknowledging passage of the above proposition for implementation July 1, 2006.

Ms. Martin thanked the commissioners for placing the proposition on the ballot. The fire districts and EMS are thankful that the voters saw the necessity to improve emergency communications.

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065285 11. Letter received from Kristie Kirkpatrick, Whitman County Library Director acknowledging Linda Fletcher's resignation from the Board and providing a nomination for appointment to Ms. Fletcher's vacant position. The Chairman signed a letter of appreciation to Ms. Fletcher.

065286 12. Commissioner Partch **moved**, Commissioner Wigen **seconded** the motion and it **carried** to appoint Teresa Myott to an unexpired term on the Rural Library Board of Trustees. Ms. Myott's term will expire December 31, 2008.

065287 13. Letter received from Tim Myers, Parks Director acknowledging Ann Warrington's resignation from the Parks Board. The Chairman signed a letter of appreciation to Ms. Warrington.

065288 14. A second letter received from Tim Myers recommending Dennis Cartwright for appointment to Ms. Warrington's vacant position. Commissioner Partch **moved**, Commissioner Wigen **seconded** the motion and it **carried** to appoint Dennis Cartwright to an expired term on the Parks and Recreation Board. Mr. Cartwright's term will expire June 20, 2006.

065289 15. Commissioner Partch **moved**, Commissioner Wigen **seconded** the motion and it **carried** to publish notice of a SEPA appeal hearing scheduled for April 10, 2006 at 1:00 p.m.

065290 16. Commissioner Wigen **moved**, Commissioner Partch **seconded** the motion and it **carried** to sign an Oath of Office for Sheriff's Reserve Deputy Jay Kernkamp.

065291 17. An executed copy of the 2006 asbestos abatement contract with Affordable Asbestos Abatement (AAA) for the Elberton project was received.

D065291A 18. Commissioners' pending list reviewed.

D065291B 19. John Henry talked about a previous comment by Commissioner Finch concerning the unsafe condition of Sheriff's vehicles. Mr. Henry contacted the Ford dealership about front-ends and the Sheriff who said they haven't had a problem with Crown Victoria front-ends but they have had problems with the transmissions. Mr. Henry also wondered if the Board had determined how many county vehicles are being driven home and if anyone is paying mileage to do so.

Commissioner Finch replied when he made that comment, he was not referring to the Sheriff's current fleet. What he said was when he came on board in 2001, 6 years ago, the Sheriff's vehicles were older and basically worn out. He was not talking about the newer vehicles.

Secondly, he did learn that county employees who take vehicles home do pay mileage and it is reported as a taxable fringe benefit.

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Thirdly, he asked which of the concerned citizens present today would be willing to serve on the Water Conservancy Board that currently has a vacancy. Mr. Henry and Mr. Schultz asked for further information about the Water Conservancy Board.

In response to Mr. Henry's inquiry about what the commissioners will do since they won't be accepting county vehicles, Commissioner Finch said he would be taking straight mileage, the same as Commissioner Wigen.

Commissioner Partch said he is looking into other options as a result of checking with other counties. He also pointed out that the proceeds resulting from the Counseling Center spinning off from the county were used to update the Sheriff's vehicles rather than using those funds for other needed purposes like a new computer system for the county. The Sheriff's vehicles are now all on a rotation replacement basis through ER&R.

Commissioner Wigen reiterated his earlier comment about not taking any blame for bad press because he didn't want a county vehicle.

10:35 a.m. - Janet Schmidt and Adam Roberts.

Present: Michelle Dupler, Fran Martin, Tom McKinney, Thinkh Nguyen, Ed Schultz, Don Nelson and John Henry.

065292 Ms. Schmidt redistributed a diagram explaining her reasons for requesting a new computer for the Extension Office rather than a computer upgrade. She visited with Adam Roberts earlier today to further discuss the Extension Office's computer needs and they came to an agreement that in-fact the Extension Office does need a new computer.

065293 Mr. Adams said he originally visited each department to determine which computers needed to be upgraded to meet the New World System's requirements. He determined the Extension Office would only need something that would connect to the new system and the reason for his initial request. After speaking with Ms. Schmidt, he discovered the Extension Office has more county requirements than an upgrade to the system will provide. Therefore, he requested cancellation of his initial request and recommended purchasing a new computer for the Extension Office.

065294 Commissioner Wigen **moved**, Commissioner Partch **seconded** the motion and it **carried** to approve the request after reconsideration.

10:40 a.m. - Recess.

11:00 a.m. - Dane Dunford, Public Works Director.

Present: Mark Storey, Thinkh Nguyen, Michelle Dupler and 10 visitors.

Action Items:

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065295 1. Commissioner Wigen **moved**, Commissioner Partch **seconded** the motion and it **carried** that the Tire Recycling agreement between Whitman County and Tire Depot be signed as presented.

065296 2. Commissioner Partch **moved**, Commissioner Wigen **seconded** the motion and it **carried** that the CRAB annual certification for calendar year 2005 be signed as presented.

065297 3. Commissioner Wigen **moved**, Commissioner Partch **seconded** the motion and it **carried** that the resolution to close Squaw Road #3660 for repair of Squaw Canyon No. 1 Bridge be signed as presented.

RESOLUTION NO. 065297

BEFORE THE BOARD OF COUNTY COMMISSIONERS of Whitman County, Washington in the matter of closing a certain county road/bridge pursuant to R.C.W. 47.48.010;

IT IS HEREBY RESOLVED that the following road/bridge will be closed to vehicular traffic: County Road No. 3660, the Squaw Road at milepost 1.26, beginning April 10, 2006 until completion of the repair of the Squaw Canyon No. 1 Bridge, which is estimated to be April 20, 2006.

ADOPTED this 27th day of March 2006.

BOARD OF COUNTY COMMISSIONERS
OF WHITMAN COUNTY, WASHINGTON

G.R. Finch, Chairman

Greg Partch, Commissioner

ATTEST:

Maribeth Becker, CMC
Clerk of the Board

Les Wigen, Commissioner

065298 4. Commissioner Partch **moved**, Commissioner Wigen **seconded** the motion and it **carried** to publish a notice of road closure for Squaw Road #3660 for repairs to Squaw Canyon No. 1 Bridge.

Solid Waste Division:

D065298A 5. The Director commented that the Recycling Coordinator is preparing for Spring Cleanup and Tire Amnesty Day.

Maintenance Division:

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D065298B 6. General maintenance work continues. Weather permitting, crews will begin asphalt repair work and prepare for spot sealing and seal coating.

ER&R Division:

D065298C 7. Commissioner Wigen again reiterated that he told Mr. Dunford at the first discussion he did not want a county vehicle and Mr. Dunford confirmed that was a correct statement.

11:20 a.m. - Recess.

11:30 a.m. - Denis Tracy, County Prosecutor.

Present: Thinkh Nguyen, Michelle Dupler and 12 visitors.

065299 Prior to the Prosecutor's arrival, Chairman Finch announced no public comment would be accepted.

Brian McGinn with the Law Firm of Winston & Cashatt Law in Spokane submitted a proposal detailing his suggestive approach to analyzing proposed changes to the rural residential provision of the agricultural zone. Today's issue is whether or not to employ Mr. McGinn who specializes in the area of land use and can provide the county a more expert opinion. In summary, Mr. McGinn proposes to review the Planning Commission's proposal, give a detailed analysis of the items he feel would be subject to challenge and provide suggestive ways to fix those provisions so they would be less subjective to challenge. Mr. McGinn proposed an employment agreement cap of \$5,000 with an April 26, 2006 timeline. The Prosecutor suggested adding 2 weeks to that deadline because he has already had the proposal for one week. Mr. Tracy stated he is not a land use expert and the reason he is recommending the Board hire an outside land use expert. Mr. Tracy did note Mr. McGinn is available by conference phone if necessary.

The Prosecutor responded to questions raised by members of the audience regarding a possible conflict of interest, the Prosecutor's Office doing the research and an outside attorney only reviewing the document for defensibility rather than making suggestive changes.

Chairman Finch asked if the Board wanted to accept the Prosecutor's recommendation to hire a law firm with a maximum cap to investigate this issue.

Commissioner Wigen understood where everyone is on this. They have been working on this document since 2003. They each have an opinion about the proposed \$5,000 professional services contract. They have the responsibility to vote on this expenditure using taxpayers' money. They have a right to take a stand for the citizens of Whitman County and their commissioner districts. They have always agreed they have the right to disagree. He mentioned the following points:

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- Planning Commission public hearing #1 was held 07/20/05. Several citizens were upset with the proposed plan.
- Planning Commission public hearing #2 was held October 12, 2005.
- Public hearing #3 was held November 2, 2005. The Planning Commission voted 8-0 to forward the document to the Board for recommendation of due pass on 11/14/05.
- Also on 11/14/05 1,000 signatures were delivered to the commissioners against the proposed resolution.
- He took a stand against the plan on 11/14/05 and he also took a stand against this plan at the Colfax Golf Course 01/04/06 attended by several property owners. He speaks for himself and the people in his district.
- He also took a stand with the Planning Commission staff in March 2005. All members gave their opinions of what they wanted in the rural residential zone. He said his stand was, which he has repeated to the press and the people and is on record, that any property owner can build anywhere on their property including hilltops and ridges and no restrictions on length of lane. Commissioner Partch and he adamantly differed on the length of lane.
- He also stated that you cannot build on a flood plain or wetland and that is standard.
- Before the first public hearing he talked to the Planner about excluding the 14 buttes in the plan, which he felt was a takings.
- There are 152-century farms in Whitman County and there was no Planning Commission or planners to tell the pioneers where to build their homes.
- On 02/04/06 they received a letter from the Prosecutor and they discussed a proposal to hire an outside attorney. At that time, he said he could not support the hiring of any attorney to spend time and money fixing this ordinance along with the 1,000 property owners who have signed against it.
- He talked to 3 constituents and asked them to review the proposed document; 1) had 53 issues against it, 2) had 35 issues against it and 3) wants the entire document dropped.
- Commissioner Wigen said he wants a good plan for Whitman County. He gave credit to the previous county commissioners from the 1970-today for doing a good job of planning for this county.
- He couldn't see spending \$5,000 on this proposal using the Spokane Law Firm of Winston & Cashatt. He confirmed taking the same stand the last time the Prosecutor presented this proposal last month.

Commissioner Partch said they are all concerned about this. When the commissioners visited with the Planning Commission, their prime concern was "What do we want our county to look like in 50 years". They knew they were going out on a huge limb for rural residential, but they also knew it had to be changed to allow for growth in the county because right now it is extremely restricted. They tried to find some common ground so that in 50

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years the farmers would still be able to farm with a rural residential component that works together and that was the direction given to the Planning Commission.

He clarified he has not taken a stand or made up his mind like Commissioner Wigen. The flip side of taking a stand beforehand means you may not be able to vote on the issue later. The Board is here to sit as a commission/judge, hear all the evidence first and then make a decision. The plan cannot just be thrown out and the Commission told to start over. They spent 2 years working on this document.

An attorney in the audience at one of our meetings didn't think parts of plan were defensible and they agreed it would be worth checking on with a land use attorney. They believed this document was of such magnitude and importance and so far reaching that they needed to do everything possible to ensure everything is right and all aspects of the document are legal. The Planning Commission members are common citizens and don't know all the legal issues. As recommended by the Prosecutor, contracting with a land use attorney is the way to go.

With respect to a conflict of interest, that is not an issue because we are only asking for a legal opinion. We are not asking the attorney to tell us what we should change. He didn't have a problem with the Prosecutor's recommendation because there would eventually be another public hearing. He didn't want to throw it out or rush it and was willing to spend the dollars for advice. Commissioner Partch was in favor of moving forward as the prudent thing to do.

Commissioner Partch **moved** Commissioner Finch **seconded** the motion to take the Prosecutor's advice and move forward. Commissioners Partch and Finch voted aye and Commissioner Wigen voted nay. Motion **carried**.

065300 Three petitions opposing the proposed Rural Residential ordinance received.

12:00 p.m. - Recess.

1:00 p.m. - Wayne Kinsinger, Colfax.

Present: Fran Martin, Michael Baker.

D065300A 1. Mr. Kinsinger said he has no beef with the Health Department itself and he has never refused to do anything they have asked of him. His concern deals with the \$100 re-inspection fee that puts a burden on the business. Since he hasn't paid the fee a \$10 penalty has been added. He believed there is a better way to handle the situation.

Ms. Martin distributed the following documents:

065301 Food program enforcement procedures and

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065302 Inspection report.

Ms. Martin explained if an owner receives 14 or more red critical hazard points during an inspection, a follow-up inspection fee of \$100 is assessed for another unannounced inspection occurring within 14 days of the original inspection. One inspection at Mr. Kinsinger's facility resulted in 60 red critical hazard points and another resulted in 30 red critical hazard points. In January 2006, no critical hazard points were found. Any offenses in the critical area are taken very seriously for the protection of the public's health and that is the reason for the \$100 fee. Mr. Kinsinger seemed satisfied with the explanation.

1:25 p.m. - Mike Berney, Thinh Nguyen and Sherry Partch.

D065302A 2. Mr. Kinsinger also talked about a drainage problem on his property off Dry Creek Road. This is a Public Works issue therefore no action is required by the Board. Commissioner Partch said he was involved originally and will talk to the Public Works Director.

1:30 p.m. - Mike Berney, Palouse River Counseling Center.

Present: Thinh Nguyen and Sherry Partch.

065302A 1. The GCBH Chair was previously authorized to sign 3 contracts related to the PATH programs in Yakima, Benton, and Franklin Counties. PATH is a specialized mental health program that deals with homeless individuals. The Yakima County program has been in existence for quite some time. The Benton/Franklin program is new.

065303 2. The interlocal agreement creating GCBH is set to expire June 2006. The document can be renewed/extended by a majority vote of GCBH Board of Directors for a length of time of their choosing. Whitman County is not recommending any changes to the document at this time. The agreement is being circulated for signature by each county. Commissioner Partch **moved**, Commissioner Wigen **seconded** the motion and it **carried** to sign the document as presented.

D065303A 3. Very minor edits in one area of the GCBH Conflict on Interest policy were made and passed.

D065303B 4. Preliminary design money (\$1.5 million) for an evaluation and treatment facility east of the mountains was appropriated by the 2005 legislature. Spokane was identified by the eastside RSN's as their first choice and GCBH as a second choice for location of this new facility.

D065303C 5. The GCBH Personnel Committee recommended and the GCBH Board approved a 3% cost of living adjustment for Regional office staff. This adjustment was included in the GCBH budget.

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D065303D 6. The Spokane County Commissioners had requested time to address the GCBH Board about consolidating their RSN with GCBH. They later cancelled the meeting. This appears to be off the table for now.

D065303E 7. A number of applications for the GCBH Director position have been received. The Executive Committee and Regional Advisory Board will review and rank the applications. All applications from Washington and the top 3-5 from outside the state will be sent to all Board members.

D065303F 8. The Whitman County Superior Court Clerk is now collecting Involuntary Treatment Act (ITA) filing fees. These fees were previously used to cover the maintenance of effort requirement through the mental health program. He has since learned county millage is sufficient to cover this obligation.

D065303G 9. A substantial legislative bill passed allowing mental health reorganizing state hospital commitments. GCBH will now be responsible for 90% of short-term commitments, up from 85%. They must negotiate in-resident accounts and the number of beds each RSN will be responsible for managing at the state hospital. The RSN's have until June to finalize this. If the RSN's are unable to come to a resolution, the state will decide for them.

065304 10. An executed copy of DSHS Chemical Dependency contract amendment #8305-5 for the 2003-2005 biennium was received.

2:00 p.m. - Board Business Continued.

Present: Denis Tracy and Maribeth Becker.

D065304A 21. Commissioner Partch **moved**, Commissioner Finch **seconded** the motion and it **carried** to go into executive session with the above individual(s) until 2:30 p.m. for litigation matters.

2:30 p.m. - Return to Open Session/Adjourn.

D065304B Commissioner Partch **moved** to adjourn the **March 27, 2006** meeting. Motion **seconded** by Commissioner Wigen and **carried**. The Board will meet in regular session, in their Chambers', in the Whitman County Courthouse, Colfax, Washington, on **April 3, 2006**. The foregoing action made this **27th** day of **March 2006**.

ss/ GREG PARTCH, Commissioner
ss/ LES WIGEN, Commissioner

MARIBETH BECKER, CMC
Clerk of the Board

G.R. FINCH, CHAIRMAN
Board of County Commissioners

