

## Minutes for September 21, 2009

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**069907 THE BOARD OF WHITMAN COUNTY COMMISSIONERS** met in their Chambers in the Whitman County Courthouse, Colfax, Washington for **Monday, September 21, 2009 at 9:00 a.m.** Chairman Michael Largent, Patrick J. O'Neill and Greg Partch, Commissioners and Maribeth Becker, CMC, Clerk of the Board attended.

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

Present: Joe Smillie (9:00 a.m.), David Nails, Julie Banks, Sharron Cunningham, Mark Storey and Joe Smillie (9:15 a.m.).

**069908 1.** Items discussed included tobacco email, WSAC fall conference, evaluations, small wind energy, WCIF, Weed Department pickup, quarry leases and Solid Waste Management. No action taken.

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

Present: Joe Smillie.

**D069908A 2. Motion** by Commissioner Partch to accept the consent agenda. Motion **seconded** by Commissioner O'Neill and **carried**.

**069909 3.** Claims/Payroll warrants numbered **231739-231776, 231801-231826, 232035-232038, 232185-232199, 232200-232212** and **232397-232537** for **\$2,340,264.00** approved.

FUND	FUND NAME	AMOUNT	AMOUNT	AMOUNT	AMOUNT	AMOUNT
001	Current Expense	47,851.38	53,281.37	63.00	6,012.80	58,924.98
102	Building & Development	1,659.60	1,659.60	3.65		
103	Countywide Planning	3,067.40	3,029.80	9.15		
110	County Roads	15,035.00	16,692.40	1,577.54	1,657.40	1,125,295.36
114	Bulk Purchasing-Paper					11.86
120	Historical Preservation					519.91
123	Paths/Trails-BCPT 123.310.001		91.60			8.46
127	Drug Enforcement-Quad City	400.00	400.00			4,567.17
128	Crime Victims/Witness-Pros. 000	350.00	350.00			
132	Auditor's Document Preservation					1,359.36
135	Prosecutor's Stop Grant	150.00	150.00			75.00
137	Web Site Development					51.50
144	Emerg. Communicat. 144.260.001	250.00	250.00			
300	CIP Asset Acquisit. 300.010.001					282.53
400	Solid Waste			126,573.04		5,171.65
410	Solid Waste Reserve					2,424.00
501	Equipment Rental & Revolving	4,697.40	4,754.40	16,772.42	350.00	158,428.37
510	Photocopier Revolving					3,021.15
513	Communications Revolving					2,982.28
658	Rural Library		760.00			
660	Whitcom-General 660.911.000					48,702.81
660	Whitcom-Grant 660.911.001					2,323.81
ET	Electronic Transfer	452,440.61				

069909 4. Requisition on Veterans Assistance Fund.

069910 5. September 8, 2009 minutes approved.

069911-069915 6. Personnel board orders approved.

9:05 a.m. - Kelli Campbell.

069916-069917 7. Commissioner Partch **moved** Commissioner O'Neill **seconded** the motion and it **carried** to approve the revised ADA Policies.

**RESOLUTION NO. 069916  
BEFORE THE BOARD OF WHITMAN COUNTY COMMISSIONERS**

**IN THE MATTER OF** the action of the adoption for the Whitman County Policy Complying with the Americans with Disabilities Act;

**WHEREAS,** this policy has been updated for clarification and compliance purposes,

**WHEREAS,** this action is necessary and in the best interest of Whitman County and its employees,

**NOW, THEREFORE, IT IS HEREBY RESOLVED** by this Board that the above is approved as the attached **POL-1000-HR Complying with the Americans with Disabilities Act**

Dated this 21st day of September 2009 and effective as of September 21, 2009.

BOARD OF COUNTY COMMISSIONERS  
OF WHITMAN COUNTY, WASHINGTON

\_\_\_\_\_  
Michael Largent, Chairman

\_\_\_\_\_  
Greg Partch, Commissioner

ATTEST:

\_\_\_\_\_  
Maribeth Becker, CMC  
Clerk of the Board

\_\_\_\_\_  
Patrick J. O'Neill, Commiss.

Effective Date: 09/21/09

**POLICY**

Cancels: Res. 046095

See Also: POL-1001-HR;

PRO-1001-1-HR;

PRO-1001-2-HR

Approved by BOCC

Res. #069916

**POL-1000-HR      COMPLYING WITH THE AMERICANS WITH DISABILITY ACT**

Unless otherwise stated in a union contract, this policy applies to all Whitman County employees, qualified individuals with disabilities and authorized agents.

**Definitions**

**ADA** - Americans with Disabilities Act

**Applicant** - For the purposes of this policy an applicant is an individual with a disability needing accommodation.

**Individual with a Disability** - Any person who has physical or mental impairment as defined by federal and Washington State law.

**Reasonable Accommodation** - Modification or adjustment to a program, service, job or work environment that will enable a qualified individual with a disability to participate in a program, service or job. Reasonable accommodation also includes adjustments to assure that a qualified individual with a disability has rights and privileges equal to those of individuals without disabilities. Reasonable accommodation includes, but is not limited to: making facilities accessible; providing assistive devices, including interpreters for the hearing impaired and readers for the sight impaired or learning disabled; modifying written or oral material; adjusting work schedules; or restructuring jobs. All applicants/employees are to be made aware of the reasonable accommodation policy.

**Undue Hardship** - An action requiring significant difficulty or expense when considered in light of a number of factors. These factors include the nature and cost of the accommodation in relation to the size, resource, nature and structure of the operation.

**1. Whitman County Operates in Accordance with the ADA.**

In accordance with the requirements of Title II of the Americans with Disabilities Act (ADA) of 1990 and Washington State law. Whitman County and its contractors will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs or activities. It is the County's goal to assure

disabled persons the opportunity to participate in or benefit from County services.

Nor does Whitman County discriminate on the basis of disability in its hiring or employment practices. It strives to comply with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under Title I of the ADA.

All Whitman County departments administering Section 504 contracts whereupon the contractor, other than another government entity, provides programs, services, or activities to the public, shall require the contractor to comply with the Section 504/ADA requirements applicable to governments. The contracting county department shall monitor respective contracts for compliance with Section 504/ADA.

**2. Whitman County Shall Provide Reasonable Accommodation.**

The County will, upon request, provide appropriate aids and services leading to effective communication for qualified individuals with disabilities so they can participate equally in County programs, services and activities. Accommodations may include, but are not limited to interpreters, readers, assisted listening devices, text telephones, large print materials, audio tape, assistance in filling out forms and other similar services and actions. Disabled persons may request auxiliary aids and services of their choice, which will be given primary consideration. Reasonable accommodations shall be determined by each department with consultation from Human Resources as needed. (See Policy POL-1001-HR)

Whitman County will make reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services and activities.

Anyone who requires accommodation should contact the Whitman County Human Resources Department at:

Kelli Campbell  
ADA Coordinator  
Whitman County Human Resources  
400 N. Main Street  
Colfax, WA 99111  
(509) 397-6205  
[www.whitmancounty.org](http://www.whitmancounty.org)

Requests must be made as soon as possible but no later than five (5) working days before the scheduled even.

The ADA does not require Whitman County to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

Whitman County will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy.

**3. Personnel Actions and Committee Volunteer Decisions Shall be Made in Accordance with ADA.**

Whitman County has a commitment to ensure that we provide equal opportunities for disabled persons to participate on our boards, commissions and as employees. All board meetings will be held in accessible locations, reasonable accommodations for auxiliary aids will be provided, upon request, and our application and interview processes will be held in accessible locations. Requests for accommodation during the application/interview will be sought and reasonable accommodation provided. Through our recruitment process, we will actively seek and invite the participation of individuals who are disabled.

**4. Future Construction/Renovation of County Facilities Shall Be in Accordance with State and Federal Standards.**

To the extent feasible and practicable all future construction and renovation of County-owned buildings and facilities will be carried out in accordance with Washington State Barrier-Free Code regulations and ADA Accessibility Guidelines (ADAAG).

**5. The County Will Provide Proper Posting of its Compliance.**

Communication of accessibility will be included with the County's employment posters. It shall also be included with public advertising, applications and other publicity announcements.

**6. Grievances May Be Made Through the ADA Coordinator.**

In the event citizens and other participants in the County's programs, services, and activities feel the County has violated their rights under the ADA, this policy provides for a grievance procedure for handling such complaints. (See procedure PRO-1001-2-HR)

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 ("ADA"). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities,

programs, or benefits by Whitman County. The County's Personnel Policy governs employment-related complaints of disability discrimination.

Complaints shall be addressed to:

Kelli Campbell  
ADA Coordinator  
Whitman County Human Resources  
400 N. Main Street  
Colfax, WA 99111  
(509) 397-6205  
kellic@co.whitman.wa.us

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint will be made available for persons with disabilities upon request.

A complaint shall be filed within thirty (30) calendar days after the complainant becomes aware of the alleged violation. An investigation shall be conducted within fifteen (15) working days of receiving the complaint. It shall afford all interested persons and their representatives, if any, an opportunity to meet about and/or submit information relevant to such investigation. A determination shall be made in writing, and where appropriate, in a format accessible to the complainant, within thirty (30) working days of the complaint, unless additional time is required. If dissatisfied, the complainant may request a reconsideration of the determination from the Board of County Commissioners or their designee. The Board shall investigate and respond in writing, or other needed format, within thirty (30) working days. If additional time for any step of the grievance procedure is needed, the complainant shall be notified of how much time is required.

The right of a person to have a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies such as the filing of an ADA complaint with the responsible federal department or agency. Use of the grievance procedure is an administrative remedy the result of which may be appealed to the Superior Court.

The ADA Coordinator shall maintain the files and records of Whitman County relating to complaints filed for three years.

**7. Violators May Be Subject to Discipline.**

These rules shall be construed to: protect the substantive rights of interested persons; to meet appropriate due process standards; and to comply with the ADA and implementing regulations.

Violators of this policy may be subject to discipline up to and including termination. Retaliation for reporting violators and/or making grievances in accordance with the policy is prohibited.

**RESOLUTION NO. 069917**

**BEFORE THE BOARD OF WHITMAN COUNTY COMMISSIONERS**

**IN THE MATTER OF** the action of the adoption for the Whitman County policies and procedures Providing Reasonable Accommodation; Requesting Reasonable Accommodation; and Filing an ADA Grievance;

**WHEREAS**, this policy and its procedures have been updated for clarification and compliance purposes,

**WHEREAS**, this action is necessary and in the best interest of Whitman County and its employees,

**NOW, THEREFORE, IT IS HEREBY RESOLVED** by this Board that the above is approved as the attached:

- POL-1001-HR Providing Reasonable Accommodation**
- PRO-1001-1-HR Requesting Reasonable Accommodation**
- PRO-1001-2-HR Filing an ADA Grievance**

Dated this 21st day of September 2009 and effective as of September 21, 2009.

BOARD OF COUNTY COMMISSIONERS  
OF WHITMAN COUNTY, WASHINGTON

\_\_\_\_\_  
Michael Largent, Chairman

\_\_\_\_\_  
Greg Partch, Commissioner

ATTEST:

\_\_\_\_\_  
Maribeth Becker, CMC  
Clerk of the Board

\_\_\_\_\_  
Patrick J. O'Neill, Commiss.

Effective Date: 09/21/09

POLICY

Cancels: Res. 046095  
See Also: POL-1000-HR; PRO-1001-1-HR; PRO-1001-2-HR

Approved by: BOCC  
Res. #069917

**POL-1001-HR PROVIDING REASONABLE ACCOMMODATION**

Unless otherwise stated in a union contract, this policy applies to all Whitman County employees, qualified individuals with disabilities and authorized agents.

**Definitions**

**ADA** - Americans With Disabilities Act

**Applicant** - For the purposes of this policy an applicant is an individual with a disability needing accommodation.

**Individual with a Disability** - Any person who has physical or mental impairment as defined by federal and Washington State law.

**Reasonable Accommodation** - Modification or adjustment to a program, service, job or work environment that will enable a qualified individual with a disability to participate in a program, service or job. Reasonable accommodation also includes adjustments to assure that a qualified individual with a disability has rights and privileges equal to those of individuals without disabilities. Reasonable accommodation includes, but is not limited to: making facilities accessible; providing assistive devices, including interpreters for the hearing impaired and readers for the sight impaired or learning disabled; modifying written or oral material; adjusting work schedules; or restructuring jobs. All applicants/employees are to be made aware of the reasonable accommodation policy.

**Undue Hardship** - An action requiring significant difficulty or expense when considered in light of a number of factors. These factors include the nature and cost of the accommodation in relation to the size, resource, nature and structure of the operation.

**1. Whitman County Provides Reasonable Accommodation to Qualified Individuals.**

Whitman County provides reasonable accommodation for qualified individuals with disabilities for services, programs and employment. The County adheres to applicable federal, state and local laws, regulations and guidelines with respect to providing reasonable accommodations as required providing equal opportunity to qualified

individuals with disabilities. Reasonable accommodation shall be provided in a timely and cost-effective manner.

The need and provision of reasonable accommodation must be made on a case by case basis. Each individual is unique. Generalizations about specific disabilities and accommodations must be avoided. A decision to grant or deny an accommodation should only be made after obtaining all necessary information. The applicant shall be contacted before a decision is made. This policy shall be implemented as part of Whitman County's Equal Employment Opportunity and ADA policies.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of Whitman County, should contact the **county department hosting the event** or **Kelli Campbell, ADA Coordinator, 400 N. Main St., Colfax, WA 99111. (509) 397-5243. [kellie@co.whitman.wa.us](mailto:kellie@co.whitman.wa.us). Fax: (509) 397-6355.** Contact needs to be made within five working days of the scheduled event or as soon as possible thereafter.

The ADA does not require Whitman County to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

Whitman County will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.

**2. Analysis of County Functions May Be Made.**

As requested, managers and supervisors shall prepare analyses of services, programs or jobs within their units, which might include self-evaluations, defining environmental issues, or essential functions, elements and tasks involved in job activities, services or programs. Such documentation shall be developed for the ADA Coordinator and be updated and reviewed as needed. This shall include an inspection of the workplace to insure that no barriers exist that would prevent the disabled individual from doing his/her job.

**3. Personnel Actions Shall Be Made In Accordance with the ADA.**

In considering a person with a disability for services, program, employment, promotion or in any personnel action, the existence of a disability should not adversely affect the decision. Opportunities shall not be denied to anyone because of the need to consider

reasonable accommodation. However, this policy does not create or imply a contract. Job applicants and/or current employees are subject to withdrawal of offers or termination at any time, except as otherwise required by law. Nor does reasonable accommodation negate the requirements for good job performance, training, acceptable behavior or supervisory instruction.

Accommodations may be denied if: (1) the accommodation would impose an undue hardship for the County; (2) the applicant's/employee's qualifications with accommodation does not make him/her the best qualified candidate; or (3) the applicant/employee would impose a threat of substantial harm to the health or safety of other employees.

**8. A Request for Medical Verification May Be Required.**

A request for medical verification of a disability may be required before reasonable accommodation is made to employees. The verification is meant to: confirm the disability; determine if the employee is able to perform the essential functions of the job; and to assist the County in determining the most appropriate accommodation. The County reserves the right to obtain updated medical verification at any time.

**9. Grievances May Be Filed With the ADA Coordinator.**

If an applicant for accommodation wishes to challenge an action related to reasonable accommodation, they can appeal it through the ADA Coordinator. (See procedure PRO-1001-2-HR)

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 ("ADA"). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by Whitman County. The County's Personnel Policy governs employment-related complaints of disability discrimination.

Complaints shall be addressed to:

Kelli Campbell  
ADA Coordinator  
Whitman County Human Resources  
400 N. Main Street  
Colfax, WA 99111  
(509) 397-6205  
kellic@co.whitman.wa.us

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint will be made available for persons with disabilities upon request.

A complaint shall be filed within thirty (30) calendar days after the complainant becomes aware of the alleged violation. An investigation shall be conducted within fifteen (15) working days of receiving the complaint. It shall afford all interested persons and their representatives, if any, an opportunity to meet about and/or submit information relevant to such investigation. A determination shall be made in writing, and where appropriate, in a format accessible to the complainant, within thirty (30) working days of the complaint, unless additional time is required. If dissatisfied, the complainant may request a reconsideration of the determination from the Board of County Commissioners or their designee. The Board shall investigate and respond in writing, or other needed format, within thirty (30) working days. If additional time for any step of the grievance procedure is needed, the complainant shall be notified of how much time is required.

The right of a person to have a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies such as the filing of an ADA complaint with the responsible federal department or agency. Use of the grievance procedure is an administrative remedy the result of which may be appealed to the Superior Court.

The ADA Coordinator shall maintain the files and records of Whitman County relating to complaints filed for three years.

**10. Violators of This Policy May Be Subject to Discipline.**

These rules shall be construed to: protect the substantive rights of interested persons; to meet appropriate due process standards; and to comply with the ADA and implementing regulations.

Violations of this policy will be cause for disciplinary action, up to and including termination. Any employee who feels he or she has been a victim of harassment in violation of this policy should bring this concern to his/her Department Head/Elected Official or the ADA Coordinator for appropriate action. (See procedure PRO-1001-2-HR)

Retaliation for reporting violators and/or making grievances in accordance with the policy is prohibited.

Effective Date: 09/21/09		
<b>PROCEDURE</b>		
Cancels: Res. 046095	Approved by: BOCC	
See Also: POL-1001-HR	Res. #069917	

**PRO -1001-1- HR      REQUESTING REASONABLE ACCOMMODATION**

Unless otherwise stated in a union contract, this policy applies to all Whitman County employees, qualified individuals with disabilities and authorized agents.

**Action Taken By:**

**Action:**

**Applicant**

1. **Obtains** a Reasonable Accommodation form from Human Resources.
2. **Completes** the form and obtains a doctor certification if necessary.
3. **Forwards** the form to the Department Head/Elected Official or the ADA Coordinator.
4. **Review** the application and verification.
5. **Meet** with the applicant to discuss accommodation options.
6. **Determine** the most appropriate accommodation.
7. **Notify** the applicant of their decision.
8. **Works** with the Department Head/Elected Official to implement the accommodation.
  - 8a. If he/she does not agree with the decision, **appeals** through policy POL-1001-HR.

**Dept. Head/Elect. Official and  
ADA Coordinator**

**Applicant**

Effective Date: 09/21/09		
<b>PROCEDURE</b>		
Cancels: Res. 046095	Approved by: BOCC	
See Also: POL-1001-HR	Res. #069917	

**PRO-1001-2- HR      FILING AN ADA GRIEVANCE**

Unless otherwise stated in a union contract, this policy applies to all Whitman County employees, qualified individuals with disabilities and authorized agents.

Action Taken By:

Action:

Complainant

1. **Files** a complaint with the Whitman County ADA Coordinator within 30 days after becoming aware of the problem.

ADA Coordinator

2. **Investigates** the complaint within 15 days of receipt.  
3. **Composes** a written determination of the investigation.  
4. **Mails** a copy of the determination to the complainant within 30 days following the complaint.  
5. **Retains** a copy of the complaint and determination.

Complainant

6. If dissatisfied, **requests** a reconsideration to the Board of County Commissioners.

BOCC

7. **Conducts** any further investigation needed.  
8. **Writes** a decision within 30 days.  
9. **Mails** a copy of decision to the complainant.  
10. **Directs** the ADA Coordinator to make any necessary changes.

069918 8. Commissioner Partch **moved** Commissioner O'Neill **seconded** the motion and it **carried** to reappoint John Kramer to a 6-year term on the Board of Adjustment. Mr. Kramer's term will expire 12/31/14.

069919 9. Commissioner Partch **moved** Commissioner O'Neill **seconded** the motion and it **carried** to sign the Hazard Mitigation grant program resolution.

**RESOLUTION NO. 069919**

For the State of Washington Hazard Mitigation Grant Program Planning Grant Application

BE IT RESOLVED THAT Michael Largent, Chair Board of County Commissioners or his alternate is hereby authorized to execute for an on behalf of Whitman County Board of Commissioners, a local government entity, state agency, special purpose district, tribe, or private nonprofit organization established under the laws of the state of Washington, this application, grant agreement, and payment requests to be filed with the Military Department, Emergency Management Division, for the purpose of obtaining and

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administering certain state and federal financial assistance under the Hazard Mitigation Grant Program (44 CFR Subpart No.

THAT we, the Board of Whitman County Commissioners do hereby authorize its agent to provide to the State Emergency Management Division for all matters concerning such state disaster mitigation assistance the assurances and agreement required.

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Michael Largent, Chair  
Whitman County Commissioners

**CERTIFICATION**

I, Maribeth Becker, duly appointed Clerk of the Board do hereby certify that the above is a true and correct copy of a resolution passed and approved by the Whitman County Commissioners on the 21<sup>st</sup> day of September 2009.

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Maribeth Becker, CMC  
Clerk of the Board

10:15 a.m. - Greg Nolan.

**069920** 10. Commissioner Partch **moved** Commissioner O'Neill **seconded** the motion and it **carried** to sign a resolution adopting the Revitalization Area ordinance scrivener's errors.

**RESOLUTION NO. 069920  
BEFORE THE BOARD OF WHITMAN COUNTY COMMISSIONERS**

**A RESOLUTION AMENDING THE WHITMAN COUNTY REVITALIZATION AREA ORDINANCE CORRECTING SCRIVENER'S ERRORS.**

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Whitman County Board of Commissioners duly approves these amendments to the Whitman County Revitalization Area Ordinance as described in the attached documents.

Passed, approved and adopted this 21st day of September 2009.

BOARD OF COUNTY COMMISSIONERS  
OF WHITMAN COUNTY, WASHINGTON

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Michael Largent, Chairman

ATTEST:

\_\_\_\_\_  
Greg Partch, Commissioner

\_\_\_\_\_  
Maribeth Becker, CMC  
Clerk of the Board

\_\_\_\_\_  
Patrick J. O'Neill, Commiss.

**WHITMAN COUNTY CODE, TITLE 3  
Revitalization Area**

**Sections:**

- 3.60.010 Incorporation of Recitals and Exhibits
- 3.60.020 Description of Public Improvements
- 3.60.030 Description of Boundaries
- 3.60.040 Estimate of Cost
- 3.60.050 Time of Tax and Revenue Collection
- 3.60.060 Date for Commencement of Use of Revenues
- 3.60.070 Findings Required by Section 103 of the Act
- 3.60.080 Anticipated Rate of Sales and Use Tax
- 3.60.085 Anticipated Date for Sales and Use Tax
- 3.60.090 General Authorization
- 3.60.100 Section Headings or Captions
- 3.60.110 Severability
- 3.60.120 Effective Date
- 3.60.130 Corrections

**3.60.010 INCORPORATION OF RECITALS AND EXHIBITS.** The recitals set forth above are incorporated herein by reference as if set forth in this section in full. All Exhibits to this ordinance are incorporated herein by reference.

**3.60.020 DESCRIPTION OF PUBLIC IMPROVEMENTS.** The public improvements currently estimated to be made in the Whitman County RA are described in Exhibit C ("Public Improvements"). This list does not imply Board of Commissioners approval of any specific projects at this time. The County will consider and finalize the list of approved public improvements prior to commencing work on each project.

**3.60.030 DESCRIPTION OF BOUNDARIES.** The Board of Commissioners adopts the boundaries of the Whitman County RA as described below.

**Revitalization Area Boundary Description**

The following described real estate situated in the County of Whitman, State of Washington:

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All of the South  $\frac{1}{2}$  of Section 32, Township 15 North, Range 46 East, W.M., lying north of the southerly right of way line of Washington State Highway SR 270.

TOGETHER WITH all of the Pullman Airport Road, County Road No. 5600 lying in Section 31, Township 15 North, Range 46 East, W.M., as shown on the plans for construction, C.R.P. 5600-2 Airport Road, as recorded in the Whitman County Engineers office.

TOGETHER WITH all of Washington State Highway SR 270 lying in the East 200.00 feet of the Southeast  $\frac{1}{4}$  of Section 31, Township 15 North, Range 46 East, W.M.

TOGETHER WITH Government lots 1, 2 and 3 in Section 5, Township 14 North, Range 46 East, W.M., lying north of the southerly right of way line of Washington State Highway SR 270.

EXCEPT that portion of Washington State Highway SR 270 lying in the East 267.50 feet of Government Lot 1, Section 5, Township 14 North, Range 46 East, W.M.

ALSO EXCEPT a tract of land situated in Government Lot 1, Section 5, Township 14 North, Range 46 East, W.M., lying North of and adjacent to Washington State Highway No. 270 and adjoining the Washington-Idaho State Line in Whitman County, more particularly described as follows:

Beginning at a point on the North right of way line of Washington Primary State Highway No. 270 at its intersection with the Washington-Idaho Line, said point being located 1,129.04 feet North of the Southeast corner of Government Lot 1, said point being the true point of beginning; running thence South  $88^{\circ} 39'$  West 120.00 feet along said North right of way line; thence North on a line parallel with the Washington-Idaho State Line 181.5 feet; thence North  $88^{\circ} 39'$  East 120.00 feet to a point on the Washington-Idaho State line; thence South along said State line 181.5 feet to the point of beginning.

ALSO EXCEPT a tract of land in Government Lot 1, Section 5, Township 14 North, Range 46 East, W.M., more particularly described as follows:

Commencing at a concrete monument on the North right of way line of Washington State Highway No. 270 at its intersection with the Washington-Idaho State Line, said monument being located 1,129.04 feet (by Yates) North of the Southeast corner of said Lot 1; thence South  $88^{\circ} 39' 00''$  West 120.00 feet to the Southwest corner of Yates survey and the true point of beginning; thence along the arc of a spiral curve, the chord of said spiral bears North  $88^{\circ} 09' 43''$  West 23.43 feet; thence along the arc of a 2790 feet radius curve to the left through a central angle of  $4^{\circ} 36' 18''$  the chord of said curve bears

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South 87° 46' 00" West 224.18 feet; thence North 226.18 feet; thence North 88° 39' 00" East 267.50 feet to a point on the Washington-Idaho Line; thence South 60.00 feet along said line; thence South 88° 39' 00" West 120.0 feet; thence South 181.50 feet to the true point of beginning.

**3.60.040 ESTIMATES OF COST.** As further described in Exhibit A, the current estimated cost of the Public Improvements to be financed by the Local Revitalization Financing is \$5 million dollars. The county intends to issue bonds for the maximum amount of \$9.7 million. In addition to utilizing LRF funding, the other resources available and expected to be used to finance the improvements within the RA include real estate excise tax, current expense funds, and significant private sector development contributions.

**3.60.050 TIME OF TAX AND REVENUE COLLECTION.** The estimated time during which local excise tax allocation revenues, local property tax allocation revenues, and other revenues from local public sources are to be used as part of the local infrastructure financing for the Whitman County RA is 25 years (2011-2036).

**3.60.060 DATE FOR COMMENCEMENT OF USE OF REVENUES.** County use of local excise tax allocation revenues and local property tax allocation revenues with respect to the Whitman County RA is anticipated to commence on July 1, 2011.

**3.60.070 FINDINGS REQUIRED BY SECTION 103 OF THE ACT.** The Board of County Commissioners finds and determines that the conditions of Section 103 of the Act are met with respect to the Whitman County RA. Specifically, the Board of County Commissioners finds and determines that:

- (a) No funds will be used to relocate a business from outside the revitalization area, but within this state, into the revitalization area;
- (b) Local revitalization financing will improve the viability of existing business entities within the revitalization area;
- (c) The local revitalization financing will only be used in the revitalization area, which is an area within the jurisdiction of the County deemed in need of economic development, and without the local revitalization financing made available in the Act, the proposed economic development would more than likely not occur;
- (d) The proposed public improvements to be financed by local revitalization financing are reasonably likely to
  - (i) increase private commercial investment within the Paradise Creek RA;
  - (ii) increase employment in and around the RA;

(iii) improve the viability of the existing community of Pullman, WA and surrounding smaller communities;

(iv) increase the fair market value of real property within the revitalization area; and

(v) generate, over the period of time that local sales and use taxes will be imposed under Section 601 of the Act, increases in state and local property, sales, and use tax revenues that are equal to or greater than the respective state contributions made under the Act.

**3.60.080 ANTICIPATED RATE OF SALES AND USE TAX.** The anticipated rate of sales and use tax under section 601 of the Act, that Whitman County will impose if needed for an award of a state contribution under section 401 of the Act, is .051%.

**3.60.085 ANTICIPATED DATE FOR SALES AND USE TAX.** The anticipated date when the criteria for the sales and use tax in section 601 of the Act will be met is July 1, 2011. The anticipated date when the sales and use tax in section 601 of the Act will be imposed, if needed for an award of a state contribution under section 401 of the Act, is July 1, 2011.

**3.60.090 GENERAL AUTHORIZATION.** The Chair of the Board of Commissioners and other appropriate County officers are each hereby authorized and directed to do such things as may be necessary and appropriate in order to carry out the terms and provisions of, and complete the transactions contemplated by, this ordinance.

**3.60.100 SECTION HEADINGS OR CAPTIONS.** The section headings or captions of this ordinance are for convenience of reference only, and shall be used to resolve any question of interpretation of this ordinance.

**3.60.110 SEVERABILITY.** If any section, sentence, clause or phrase of this ordinance should be held to be invalid by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other sections, sentence, sentence, clause or phrase of this ordinance.

**3.60.120 EFFECTIVE DATE.** This ordinance shall take effect five (5) days after passage.

**3.60.130 CORRECTIONS.** The Clerk of the Board of County Commissioners and the codifiers of this ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

**BOCC MINUTES-09/21/09**

**069921** 11. As previously authorized, the Board signed the Greater Columbia Behavioral Health (GCBH) revised interlocal agreement.

**069922** 12. An executed copy of Interagency agreement #IAA10189 for BECCA funding was received (06/30/11).

**069923** 13. Notice received from the Department of Revenue regarding countywide appraisals of selected personal property parcels in Whitman County.

**069924** 14. Commissioners' pending list reviewed.

**10:20 a.m. - Recess.**

**10:30 a.m. - Palouse Alliance on Mental Illness (PAMI).**

Present: Ann Demikis, Zoe Cooley, Gladys (Tory) Kerns, Greg and Gwen Nolan, Diane Hanshaw, Mary Ann Lincoln, Mike Berney and Joe Smillie.

**069925** Zoe Cooley made a presentation for PAMI, a non-profit advocacy group and affiliate of the National Alliance on Mental Illness (NAMI). The primary mission of PAMI is to support and educate family members and friends of people with mental disorders. Ms. Cooley shared two concerns of PAMI:

- Whitman County Commissioners participation on Greater Columbia Behavioral Health Regional Support Network Board, and
- Lack of an on-staff psychiatrist at Palouse River Counseling

Chairman Largent explained he is Whitman County's primary representative on the GCBH Board and Mike Berney is the alternate. The county commissioners make all major decisions while Mr. Berney handles day-to-day issues. The commissioners meet with Mr. Berney prior to each GCBH Board meeting for a review of all upcoming GCBH Board agenda items. Mr. Berney is then instructed how to cast his vote, on behalf of the county on specific issues. Ms. Cooley was not aware of the commissioners' internal process involving associated with Mr. Berney's participation on the GCBH Board. To become better acquainted with the process, the Chairman invited members of PAMI to attend Mr. Berney's monthly meetings with the commissioners.

Ms. Cooley asked if the county would consider contracting with a second agency if unmet needs could be addressed through alternative resources. Before that question can be answered Chairman Largent wondered if PAMI had names of other agencies similar in size to Whitman County that do retain a psychiatrist on staff and if so, where is that funding derived.

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Ms. Cooley did appreciate the fact all three county commissioners are involved in GCBH decisions and added mental illnesses tend to be at the bottom of the heap when it comes to care from our society.

Chairman Largent suggested if there are any particular issues PAMI doesn't feel are being handled correctly through GCBH to articulate those to the commissioners.

**10:45 a.m. - Whitman County Code Chapter 19.62, Small Wind Energy Generators.**

Present: Mark Storey, Alan Thomson, Mariah Simpson, Rich and Ann Heath, Greg and Gwen Nolan, Diane Hanshaw, Mary Lincoln, Scott Draper, Jeff Mannix and Joe Smillie.

**069926** 1. Chairman Largent convened the hearing as noted above. There being no preliminary comments from staff the hearing was opened to public comments.

Rich Heath of Pullman opposed the proposed ordinance just learning of it two weeks ago and had not attended any meetings or hearings conducted by the Planning Commission. He and his wife, Ann recently purchased property off of Sunshine Road where they are building a new home. His concerns include noise, setback requirements, turbine height and need for a conditional use permit (CUP) process. He asked that the ordinance be sent back to the Planning Commission to adequately address these issues.

Greg Nolan voiced his support for the ordinance. In his opinion, the issue is the City of Pullman developing out to rural existing residences that have been there for years. He presented a picture of Pullman's new water tank located between wind generators installed by Nolan's and residences standing 75' taller than the wind generators providing a much larger visual impact. Mr. Nolan understood residential generators do create some sound. However, the road noise is louder than a residential wind generator. He spent one year attending meetings related to this ordinance that was well publicized. The Planning Commission worked diligently for more than a year with hardly anyone in attendance. They used the National Light Wind Residential Code and made it more stringent. From the standpoint of personal property rights, the Planning Commission weighed both sides and came up with a very well written ordinance.

Diane Hanshaw said as with most of the new zoning codes, there is no grievance process, no ability for a neighbor to grieve to the county that their personal/property rights are being invaded. Living on 12 acres in the corridor, she could possibly have a wind generation farm locating turbines right next to their neighbor's house and she would like to be protected from her neighbors doing the same. The ordinance, as written, will allow 50 generators within a 2-mile area near the cluster district.

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Ms. Hanshaw's husband, an acoustical engineer asked her to relay to the commissioners that the low frequency wave lengths these units generate are felt and not heard. This type of frequency cannot be stopped by a wind break barrier of trees or cement and is very disturbing. They have animals that would also be disturbed if subjected to 50 wind towers.

Scott Draper was in favor of the ordinance as written. He was involved with the Planning Commission meetings for 6 months and agreed the Commission spent much time and effort writing the ordinance. He currently has a CUP to install his own personal tower. He assumed a hearing or other type of notification to the neighbors would be required. The generator he is installing is 10 kw, producing 59.6 decibels of measurable noise at 35 feet. That is equal to a normal conversation at 5 feet noting some of the older generators do produce more noise, but his will be very quiet.

Mary Ann Lincoln was opposed to the ordinance because esthetically it isn't sound. She moved to the Sunshine Road area for the beauty and look of the country. Something else that disturbed her is going through the effort to install underground utilities and in place of an electrical pole, a wind tower is installed. She is also opposed to the noise from the generators and would like it proven to her that installing a wind tower is financially beneficial.

Ann Heath stated Whitman County is a big county and there are many places to install wind generators where it would not cause any problems. As a new resident outside the city limits she requested the ordinance be returned to the Planning Commission to determine if there should be a conditional use process rather than just a permit in the high density, cluster residential and adjacent areas.

Discussion ensued concerning notification of a proposed wind tower to neighbors and the fact a CUP would include that requirement.

There being no further comments, the hearing was adjourned.

Alan Thomson, County Planner indicated the Prosecutor has made it very clear that constitutionally, each property owner has the right to do what they want with their land unless there is a demonstrated harm and esthetics is not a sufficient reason to deny someone the right to install a wind tower.

With regard to setbacks in the cluster residential district, there must be 1.2 times the height of any tower to a property line.

There is a tremendous amount of misinformation and misunderstanding regarding wind turbine noise, much of which has not been subjected to the scientific method. An employee of CH2M Hill is a national and international expert on noise derived from wind turbines, not generic low

frequency noise coming from all sources. An individual must filter out information not subjected to peer review and not specific to wind turbines. According to this nationally recognized expert, the level of low frequency coming from the turbines does not rise to the point of being a problem if they are placed properly. The one thing that will help residents with this is the state noise law. If the noise rises about the accepted level (50 decibels during the day and 45 decibels in the evening) the turbine can be stopped. Low frequency noise is generated by all mechanical movement. The swishing of blades on a wind turbine is not low frequency noise, it is broadband noise. It begins at approximately 500 Hz and upward. Low frequency noise is measured from the 10-200 Hz range. They do emit low frequency noise, but the county has been told that the state standard is more than adequate to protect adjacent property owner rights and health. The Planning Commission looked into these details very thoroughly. There has been an extreme amount of information in the press and on the radio for almost 2 years concerning residential and commercial wind.

The cost of residential wind turbines is not cheap. The intent is to supply energy to your home for personal needs. He did not envision anyone installing 5-7 turbines for personal use. The size of a parcel is also a limit. There are many areas in the county much denser than the cluster residential districts and it would be difficult to place more than one tower in that type of situation because of the restrictions written into the ordinance. Mr. Thomson didn't feel a CUP would afford neighbors any more protection than the proposed ordinance and state noise law. The variety of residential wind ordinances reviewed by the Planning Commission revealed most entities are using the permitted use process. Therefore, the precedence in the United States is to do this as a permitted use with the state standards as incorporated into the proposed ordinance. The Planner stood by this ordinance and praised the Planning Commission for a job well done.

Chairman Largent stated no vote would be taken today to allow the commissioners an opportunity to consider the testimony received today's hearing. A decision will be rendered October 5<sup>th</sup> at 11 a.m.

069927 Not used.

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

Present: Joe Smillie.

**ACTION ITEMS**

069928 1. Commissioner Partch **moved** Commissioner O'Neill **seconded** the motion and it **carried** to publish the notice of hearing as presented (for the purpose of considering certain county property surplus).

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

Present: Bev Divine, Bob Lothspeich, Brian Beason, Doug Robinson, Eunice Coker, Fran Martin, Greg Partch, Joe Reynolds, Kelli Campbell, Maria Thomas, Mark Storey, Marlynn Markley, Michael Largent, Pat O'Neill, Sonya Miller, Tim Myers, Joe Smillie, Evan Ellis and Jeff Mannix.

Excused: Janet Schmidt and Peggy Wright.

**069929** The August 2009 month ending financial report provided by Ms. Cunningham.

August 2009 Cash Balance - \$1,770,241

August 2008 Cash Balance - \$2,646,448

August 2009 Revenue - \$6,700,185 - 58.53% of budget.

August 2008 Revenue - \$7,108,640 - 57.56% of budget.

August 2009 Expenditures \$7,324,006 - 62.29% of budget.

August 2008 Expenditures \$7,514,387 - 60.44% of budget.

**12:00 p.m. - Recess.**

**1:30 p.m. - Board Business Continued/BOCC Workshop.**

Present: Tim Myers (1:30 p.m.).

**069930** 15. Items discussed included Parks and Developmental Services updates. No action taken.

**2:00 p.m. - Board Business Continued/Executive Session.**

Present: Gary and Valerie Hunt, Sharron Cunningham and Kelli Campbell.

**069931** 16. Commissioner Partch **moved** Commissioner O'Neill **seconded** the motion and it **carried** to go into executive session with the above individuals until 4:30 p.m. in accordance with RCW 42.30.140(4)(a) for matters related to negotiations.

**4:30 p.m. - Recess.**

**D069931A** THE BOARD OF WHITMAN COUNTY COMMISSIONERS met in their Chambers in the Whitman County Courthouse, Colfax, Washington for **Tuesday, September 22, 2009 at 2:00 p.m.** Chairman Michael Largent, Greg Partch and Patrick J. O'Neill, Commissioners and Maribeth Becker, CMC, Clerk of the Board attended.

**2:00 p.m. - Meeting Reconvened/Board of Health.**

Present: Fran Martin, Michael Baker, Bruce Koliba and Jeslyn Lemke.

**D069931B 1.** Public Health's recently updated website was reviewed. Much of the website work was developed by Environmental Health Technician Cinnamon Brown.

**D069931C 2.** The Board watched two Public Health public service announcements about flu precautions, both of which are available on YouTube. One video featured Whitman County Public Health Officer, Dr. Timothy Moody. Grant funds were used to produce the videos, to purchase radio spots establishing a special flu line that provides the latest updates.

**D069931D 3.** H1N1 Report - Fran Martin stated Dr. Moody is in contact with the schools and major medical providers on a daily basis. Superintendents have been asked to notify Public Health of any absenteeism rate greater than 3%. Whitman County has 4 confirmed H1N1 cases. Fran Martin said the Flu mist vaccine is designed for healthy people between the ages of 9-24. Washington state is slated to receive 600,000 doses. Based on population, Whitman County will receive approximately 360 doses. Dr. Moody feels we should wait to distribute the vaccine until there is enough injectable vaccine to offer to the majority of residents. Public Health is considering using community buildings in various locations after school and on weekends to administer the vaccines to high-risk residents first followed by clinics. These 360 doses must also be shared with local providers.

**D069931E 4.** Seasonal Flu Vaccine - Public Health began providing flu vaccine last week; Tuesdays in Pullman and Thursdays in Colfax.

**D069931F 5.** The Wellness grant for county employees is paying one-half the fee for employees to receive flu shots.

**D069931G 6.** According to Michael Baker, Environmental Health has been mainly involved with H1N1 by keeping the website up-to-date, providing educational materials and fielding phone calls.

**D069931H 7.** September is National Food Safety month. Cinnamon Brown is providing extra food handlers classes with the incorporation of respiratory etiquette and education on proper hand washing.

**D069931H 7.** Bruce Koliba has been making food and on-site sewage inspections.

**D069931I 8.** The department is working towards updating its policies to coincide with the new fee schedule that takes effect January 1<sup>st</sup>.

**BOCC MINUTES-09/21/09**

**D069931J 9.** The on-going, on-site septic system failure in Pullman believed to have recovered has since failed. Bruce Koliba and Michael Baker met with another engineer and found a good location for an alternative gravity system that will meet state code and a system the homeowner is willing to install. The approved plans have been sent to the contractor and homeowner. This should conclude Environmental Health's participation on this issue.

**D069931K 10.** Personnel update - Fran Martin stated Public Health currently has a shortage of qualified nursing personnel as a result of H1N1 and the nurses returning to the schools. She has an opportunity to remedy the situation by using Department of Health grant funds. With Board of Health and County Commissioners approval she would work with Human Resources and the bargaining unit to contract with a nurse for a specific timeframe to manage the clinics and deal with H1N1. Commissioner O'Neill **moved** Commissioner Partch **seconded** the motion and it **carried** to recommend to the Board of County Commissioners that the Public Health Director be permitted to pursue contracting for nursing services using grant funds.

**D069931J 11.** The next Board of Health meeting is October 20th.

**2:50 p.m. - Recess.**

**D069931K THE BOARD OF WHITMAN COUNTY COMMISSIONERS** met in their Chambers in the Whitman County Courthouse, Colfax, Washington for **Tuesday, September 28, 2009** at **9:00 a.m.** Chairman Michael Largent, Greg Partch and Patrick J. O'Neill, Commissioners and Maribeth Becker, CMC, Clerk of the Board attended.

**9:00 a.m. - Meeting Reconvened/Board Business Continued/BOCC Workshop.**

Present: Joe Smillie.

**069932 17.** Items discussed included WSU registrar project, Department of Revenue-IPD, Parks & Recreation Districts, ID badges, residential wind towers, Palouse Basin Water Summit dinner, Martin Hall and UTBA. No action taken.

**10:00 a.m. - Adjournment.**

**D069932A** Commissioner O'Neill **moved** to adjourn the September **21, 22** and **28, 2009** meeting. Motion **seconded** by Commissioner Partch and **carried**. The Board will meet in regular session, in their Chambers', in the Whitman County Courthouse, Colfax, Washington, on **October 5, 2009**. The foregoing action made this **28th** day of September **2009**.

**BOCC MINUTES-09/21/09**

ss/ GREG PARTCH, COMMISSIONER  
ss/ PATRICK J. O'NEILL, COMMISSIONER

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MARIBETH BECKER, CMC  
Clerk of the Board

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MICHAEL LARGENT, CHAIRMAN  
Board of County Commissioners