

Minutes for September 30th, 2002

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060168 THE BOARD OF WHITMAN COUNTY COMMISSIONERS met in their Chambers in the Whitman County Courthouse, Colfax, Washington for **September 30, 2002 at 9:00 a.m.** Greg Partch, Chairman, Jerry Finch, and Les Wigen, Commissioners and Maribeth Becker, CMC, Clerk of the Board attended.

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

060168A 1. The following items were discussed: SWAC bylaws, Classification system scenarios, Sheriff's request, Deputy Prosecutor's request, and medical, dental, and vision premiums. No action taken.

D060168B 2. Call to Order/Pledge of Allegiance.

Present: Glen Daubert, John Peterson, and Dean Ferguson.

D060168C 3. Motion by Commissioner Finch to approve the Consent Agenda. Motion **seconded** by Commissioner Wigen and **carried**.

0601694. Claims/Payroll warrants numbered **138839** and **140377** for **\$9,400.07** approved.

FUN D	FUND NAME	AMOUNT
001	Current Expense	\$ 442.00
690	Clearing & Suspense	8,958.07

0601705. September 23, 2002 minutes approved.

060171-060182 6. Personnel board orders approved.

10:10 a.m. - Chris Anderson.

0601837. Appointment of the County Auditor was tabled to October 7th, pending the outcome of the October 2nd state-required hand recount.

0601848. Motion by Commissioner Finch **seconded** by Commissioner Wigen to sign an interlocal government agreement transferring the Whitman County Memorial Airport to the Port of Whitman County. Commissioner Wigen applauded Commissioner Finch for his efforts associated with the transfer, noting the Airport is now in the Port's hands where it belongs. Chairman Partch echoed his comments and also thanked Ron Shirley and Jim Kaufman for their assistance. Commissioner Finch thought the citizens of Whitman County would be well served by this transfer. Motion **carried**. The document was forwarded to the Port for their signatures on October 2nd.

0601859. Motion by Commissioner Finch **seconded** by Commissioner Wigen and **carried** to approve and sign a resolution for the Martin Hall 2003 maintenance and operations budget.

RESOLUTION NO. 060185

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

IN THE MATTER OF APPROVING AND AUTHORIZING THE 2003 MAINTENANCE AND OPERATIONS BUDGET PURSUANT TO THE AMENDED AND RESTATED INTERLOCAL JUVENILE DETENTION FACILITY AGREEMENT (MARTIN HALL), AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

WHEREAS, Whitman County, Washington (the "County") is a political subdivision duly organized and existing under and by virtue of the constitution and laws of the State of Washington; and,

WHEREAS, the County is required by Chapter 13.16 RCW to acquire, construct and maintain juvenile detention facilities for dependent, wayward and delinquent children; and,

WHEREAS, the County and eight other counties entered into an Amended and Restated Interlocal Juvenile Detention Facility Agreement (Martin Hall) ("the amended and Restated Agreement") executed by each County on the following dates:

Douglas County - August 26, 1996
Stevens County - August 20, 1996
Pend Oreille County - July 22, 1996
Spokane County - August 13, 1996
Adams County - July 22, 1996
Asotin County - August 19, 1996
Lincoln County - July 15, 1996
Whitman County - July 15, 1996
Ferry County - July 15, 1996

under the authority granted by Chapter 39.34 RCW, Chapter 300, Laws of 1995 and Chapter 20, Laws of 1995, 2nd sp. sess., to provide for the joint operation and maintenance of Martin Hall for use as "juvenile rehabilitation center" as amended from time to time; and,

WHEREAS, Section 12 of the Amended and Restated Agreement requires the Whitman County Board of Commissioners ("the Board") to approve the Operating Budget for the operation and Maintenance of Martin Hall, which has been prepared by the Martin Hall Juvenile Facility Board:

NOW THEREFORE IT IS HEREBY FOUND, DETERMINED AND ORDERED as follows:

Section 1: The Board hereby approves the Operating Budget (as defined in Section 12 of the Amended and Restated Agreement), in substantially the form attached hereto as Exhibit "A". The county shall pay its proportionate amount of costs incurred pursuant to this approved Operating Budget in accordance with Section 5 of the Amended and Restated Agreement.

Section 2: All other resolutions of the Board that are inconsistent with the provisions of this Resolution are hereby repealed to the extent of such inconsistency.

Section 3: This resolution shall take effect immediately upon its adoption.

ADOPTED by the Board of County Commissioners of Whitman County Washington, at a regular meeting thereof held on September 30, 2002.

BOARD OF COUNTY COMMISSIONERS
OF WHITMAN COUNTY, WASHINGTON

Greg Partch, Chairman

G. R. Finch, Commissioner

ATTEST:

Maribeth Becker, CMC
Clerk of the Board

Les Wigen, Commissioner

MARTIN HALL JUVENILE FACILITY
YEAR 2003 OPERATING BUDGET
Final (Adopted by the Board 08-22-02)

Income Statement

<u>Member Counties</u>		<u>No. Beds Per Year</u>	<u>Cost Per Bed</u>	<u>Payment Amount</u>	<u>Total</u>
Adams		730	\$ 92.00	\$ 67,160.00	\$ 67,160.00
Asotin	730	92.00	67,160.00	67,160.00	
Douglas	2007.5	92.00	184,690.00	184,690.00	
Ferry		182.5	92.00	16,790.00	16,790.00
Lincoln	182.5	92.00	16,790.00	16,790.00	
Pend Oreille	730	92.00	67,160.00	67,160.00	
Spokane	1825	92.00	167,900.00	167,900.00	
Stevens	2555	92.00	235,080.00	235,060.00	
Whitman		912.5	92.00	83,950.00	83,950.00
Member Overage	<u>3400</u>	<u>92.00</u>	<u>312,800.00</u>	<u>312,800.00</u>	
Sub-Total		13,255		\$1,219,460.00	\$1,219,460.00

Other Income

INS (Dept/ Immigration)	1,460	135.00	197,100.00	197,100.00	
Other Users		<u>3,000</u>	135.00	<u>360,000.00</u>	360,000.00
Food Program					51,000.00
Interest Income					12,500.00
Utility Refund					<u>60,000.00</u>
Total Income	4,460			\$1,776,560.00	\$1,900,060.00

Expense

Capital Expense					15,000.00
Repairs					12,000.00
Communications (Video Conf.)					7,200.00
Office Supplies					15,000.00
Maintenance					20,000.00
Auditing					4,000.00
Accounting					28,000.00
Legal					28,000.00
Consulting					2,500.00
Fire Contract					1,000.00
Oper. Cont./ 40 Beds	14,600	93.70		1,368,020.00	
Oper. Cont./ Over 40 Beds	3,115	102.32		318,726.80	
Oper. Cont. I.N.S. Beds	1,460	5.00		7,300.00	
Insurance					10,000.00
Rent					1.00
Unallocated					

Reserve	17,812.20
Utilities	<u>65,000.00</u>
Total Expense	\$1,900,060.00

Average Beds Per Day = 48.00 -- Member Counties Guarantee is based on a bed day cost of \$92.00 per day, Monday, August 26, 2002.

06018610. A lobbyist contract renewal was received from Jim Potts and tabled to October 14th.

06018711. A letter was received from Jennifer Snead, Economic Development Coordinator, requesting the commissioners' written intent to renew the ADO contract in 2003 with the Port of Whitman County. The Board had no objections in fulfilling this request.

06018812. Information pertaining to the newly proposed WA-CERT ranking/approval by the Port of Whitman County/Whitman County Commissioners was received from Jennifer Snead. This issue was tabled to October 14th to allow the commissioners an opportunity for further discussion.

06018913. Pursuant to County Code regarding delegation of purchase orders, claims and payroll responsibilities, an authorization form was approved for Administrative Services, Commissioners, and Human Resources, signed by the Board and forwarded to the Auditor's office.

06019014. Information pertaining to counties/cities reporting under Category 1 BARS requirements was received from the State Auditor's Office.

06019115. The Board signed a letter to John Crawford, Executive Director Washington Counties Insurance Pool, giving the county's required one-year notice of separation from the Pool effective October 1, 2003. Commissioner Finch explained, in the event the county wants to withdraw from the Pool, one year's notice is required. This notice does not require the county to withdraw; it simply allows the county to compare the Pool's insurance coverage with other policies.

06019216. Upon review of a report from the Space Allocation Committee, the commissioners authorized the Co-Chairs to set in motion the process to hire an architect/space consultant to be paid from the bond funds.

06019317. A letter was received from Representative Nethercutt in response to the commissioners' letter concerning biodiesel research and products.

06019418. A copy of a letter sent to the Army Corps of Engineers was received from Senator Patty Murray's office. Senator Murray requested the Corps not do anything to permanently alter the character of the 4 parks slated for closure while working with local, state, and federal leaders to craft a regional solution to keep the parks open.

06019519. As a result of information received from the Colfax Post Office, the clerk was instructed to contact the City of Colfax to determine the official assigned Courthouse address.

06019620. A letter regarding the Capital Improvement Program was tabled to October 14th.

06019721. Motion by Commissioner Finch **seconded** by Commissioner Wigen and **carried** to publish a notice of hearing for proposed revisions to the Solid Waste Advisory Committee bylaws. The hearing will take place November 4th at 11:30 a.m.

10:45 a.m. - Joe Reynolds, County Assessor.

Present: John Peterson, Dean Ferguson, Chris Anderson, and Glen Daubert.

060198 Due to the retirement of the segregation clerk, the Assessor requested the position be refilled at 60%. The 30-day replacement period would create a wage savings of \$2,493. Replacing the position at 60% instead of full time would result in an additional \$1,246 savings in November and December for a total of \$3,739. By reducing this position, a \$7,500 savings would be experienced in 2003.

If authorized, Mr. Reynolds requested approval to purchase a new printer this year that should last for up to 10 years, for \$2,500 plus tax. The commissioners had no objections. The appropriate paperwork will follow.

Motion by Commissioner Finch **seconded** by Commissioner Wigen and **carried** to authorize refilling the segregation clerk position at 60%.

10:55 a.m. - Board Business Continued.

D060198A 22. Commissioners' pending list reviewed.

10:58 a.m. - Glen Daubert.

Present: John Peterson, Dean Ferguson, and Chris Anderson.

D060198B Mr. Daubert invited the commissioners to a meeting in Boise, Idaho sometime before October 15th for commercial wind energy practices that are in the process of being developed in Whitman County. The emphasis of this presentation will be "how this product began at the county level, how the governmental bodies worked to develop commercial wind energy projects, and where the project is right now. David Kirkpatrick, General Electric Wind Energy, will be one of the lead speakers. The Chairman asked Mr. Daubert to keep them apprised of the exact date.

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

Present: Eugene Prince, Phil Meyer, Mark Storey, John Peterson, Dean Ferguson, and Chris Anderson.

Action Items:

0601991. Motion by Commissioner Wigen **seconded** by Commissioner Finch and **carried** that the bid for a used double drum vibratory compactor in the total bid amount of \$54,948.00 without tax be awarded to Western States Equipment and that the county exercise its option to accept Alternate 1: trade in bid in the amount of \$7,500.

0602002. Motion by Commissioner Finch **seconded** by Commissioner Wigen and **carried** that the consultant agreement for Wassem Bridge be signed as presented.

Solid Waste Division:

D060200A 3. Fall clean up preliminary numbers: 120 tons of additional residential clean up material, 27 tons of yard waste, and 25 tons (5-40 yard roll off boxes) of iron. On Saturday, 250 vehicles crossed the scales, 3.5 trailers (80-100 tons) filled, and \$1,700 in cash sales receipted.

Maintenance Division:

D060200B 4. The Director provided a general maintenance update.

Engineering Division:

D060200C 5. Mr. Storey provided a brief engineering update.

11:10 a.m. - Recess.

11:30 a.m. - Travis Anderson and Brandon Birch, Information Services.

Present: John Peterson, Dean Ferguson, and Chris Anderson.

060201 Two requests for new desktop computers, one for Administrative Services and the other for Information Services were recommended in the amount of \$1,561 each by Mr. Anderson for purchase through the Asset Acquisition fund. If approved, 3 old computers would be upgraded for a total of \$1,425 and redistributed to employees with older systems.

060202-060203 **Motion** by Commissioner Finch **seconded** by Commissioner Wigen and **carried** to accept the recommendations and authorize the new systems and upgrading 3 old systems through the Asset Acquisition fund.

D060203A Mr. Burch reported, upon inspection by himself and other professional technicians, the cellular phone, palm pilot, and laptop computer returned by the former county auditor are not in working condition. The cost to repair the equipment would be greater than the current value of the equipment.

12:00 p.m. - Recess.

1:05 p.m. - Galen Mertsching, General Contractor.

Present: Bret Stedman of Clarkston Glass, Ken Matteson of PRC Desota International, Skip Wimer of Summit Windows, Tim Myers, Tom Miller, Ron Shirley, Dean Ferguson, and John Peterson.

D060203B The Chairman welcomed those in attendance pointing out this is an informational meeting for the Board. Therefore, they will not take any questions/comments from the floor.

Last week the Board met with the other window bidder and this meeting is a follow up to that meeting. The Chairman thought the issue revolves around the term "dual seal".

Mr. Mertsching wanted to make sure everyone is talking apples and apples on the windows because he is under the impression the other bidder also bid a dual seal equivalent.

Ken Matteson said the term "dual seal" (DS) is a manufacturing process. Dual seal uses two different types of sealants, a primary seal, polysulfide butyl (PIB) and the secondary seal of silicone, polyurethane, or sulfide. PRC Desota International is owned by PPG who coined the term "dual seal equivalent" (DSE). They have one product that has been tested to the same parameters as a window that has been manufactured as a dual seal unit. This has to do with weatherometer and lap sheer strength testing. Their competitor has also come up with a marketing name for a similar program called, TDSE (True Dual Seal Equivalent). The competitor uses a chemically curing material in place of the PIB material and then backs it up with hot melt. Therefore, it appears there is a vernacular problem between "TDSE" versus "DSE" versus "dual seal". Mr. Matteson didn't believe either company bid a "true dual seal" unit. What he sees is equivalency bids.

Commissioner Wigen confirmed that both bidders were sent the same identical specifications.

Mr. Mertsching didn't understand the problem because both bidders bid dual seal equivalent units. The issue of a true dual seal is not the issue being debated. The issue is it is still an equivalent.

Mr. Matteson added the bidders are leaving the word "equivalent" off the vernacular. Both units are equivalents (DSE-TDSE) and both bids are equivalent to the original manufactured dual seal unit.

There used to be single seal unit. They weren't the best, but it was all they knew how to make. Then they got together and decided to use PIB because it had a better moisture vapor transmission to it. It wouldn't allow much

vapor to get into the air space. Then PPG Industries invented a computer generated robotic system to install their material. They discovered that having one product worked a lot better and was quicker for manufacturers to produce IG units. They put their chemically curing polysulfide polyurethane through extensive testing, the same testing used for dual seal units and then coined the term “dual seal equivalent”. That is where this all came from - one product - one equivalency.

Commissioner Wigen said he understood from Steve’s Glass that his bid is a true dual seal and not an equivalent. Tim Myers clarified the brand of window bid by Steve’s Glass is Empire Pacific Windows (EPW).

Mr. Matteson said EPW uses a TDSE product, which is HP Fuller, 5153B on the sides and HP Fuller 1191 on back. It is two products. It is a “true dual seal” and a “dual seal equivalent” marketing term.

Mr. Myers further clarified the terminology used in Steve’s Glass’ bid is “true dual seal edge” (TDSE).

According to Mr. Matteson, Chairman Partch said both products bid are equivalents. Mr. Mertsching concurred adding, if the county wanted the old dual seal application, even the window manufacturer Steve’s Glass is using would have to buy out of shop because they don’t produce this unit in their shops.

In answer to Mr. Shirley’s questions as to which companies produce dual seal windows, Mr. Wimer replied, Carton Glass, NWI, and Hygrade Glass. True dual seal units can be ordered, but they are more expensive because the process takes longer and is more labor intensive.

Mr. Myers said he doesn’t know if it makes any difference, but according to information he has, TDSE stands for “true dual seal edge” and not “true dual seal equivalent”. Mr. Matteson said that is new technology, the same as PRC Desota’s product. Both products were developed virtually at the same time. PRC Desota International produced their dual seal system first calling it “DSE” and then HP Fuller came up with their dual seal equivalent material called “TDSE”.

Mr. Mertsching said if the county is seeking the best window, both products are comparable. They are both good windows. When talking about the sealant, the reason their company prefers the new sealant is, production-wise, it works better and is cheaper, so they can lower the costs, but they are also finding that it works better and lasts longer than the old dual seal process. It is basically an advanced product that has been brought into the marketplace to better the product they are using. These companies are just trying to improve the technology and that is what they have done.

As a contractor, the problem he encounters on a regular basis when dealing with engineers and architects is that their specifications books are outdated. The glass industry is producing better products all the time to give the customer a better performance product in the end. That is what these companies have done. They have discovered something that works better for their process. It saves money, creates a better product, and meets the county’s specifications. Therefore Mr. Mertsching didn’t understand the issue other than the fact the other company is making play on words. That is not what the company he deals with is here to do. They are here to give the customer the best product for the best possible price.

1:20 p.m. - Steve Trump.

Ron Shirley asked if everyone was in agreement that neither bidder bid “true dual seal” windows? Mr. Mertsching said as far as he can tell, that is correct. If the county wants a specific window then the county needs to specify three brand names within the specifications, giving the bidders a choice so the playing field is not limited to one manufacturer. Although both bidders bid equivalents, the products actually surpass the specifications. If there is going to be a play on words then both bids should be thrown out.

Bret Stedman thought “dual seal” was being referred to as a generic term. He explained, when the industry first began insulating windows with two pieces of glass, a butyl sealant was used. Hot glue was used to hold the two pieces of glass together. The second evolution of sealing glass was using two types of sealant. The third and most recent step in the production process combines both in the same material.

Chairman Partch asked if the term “dual seal” is a standard in the industry. Mr. Matteson replied dual seal units are still available, historically for commercial products. There is one type of primary sealant, which is PIB and three types of secondary sealants, polysulfide, polyurethane, and silicone.

Commissioner Wigen asked about the warranty. Mr. Stedman responded 5-years full replacement including labor and 20-years prorated including labor. Mr. Mertsching noted that he also provides a one-year unconditional warranty on his work.

D060203C Motion by Commissioner Finch to go into Executive Session with Tim Myers, Ron Shirley, and Tom Miller for discussion of legal matters until 2:05 p.m. **Seconded** by Commissioner Wigen and **carried**.

2:00 p.m. - Return to Open Session.

The Board will reschedule their on-site visits to all Pullman county offices and shops.

2:05 p.m. - Board Business Continued.

Present: Galen Mertsching, Bret Stedman, Ken Matteson, Skip Wimer, Tim Myers, Tom Miller, Ron Shirley, Steve Trump, Jennifer Snead, Dean Ferguson, and John Peterson.

06020423. Chairman Partch indicated the Board discussed the issue and he read the following statement: “It is clear from the information we now have that our specifications were not clear enough to allow for awarding in compliance with what we were asking for. There are still several outstanding issues, one of which is the warranty, what is being told us and what the bid specification submitted required. This is partially due to neither company submitting cut sheets with their bids as required until a later date and then upon our request”. At this time, the Chairman asked for a motion.

Motion by Commissioner Wigen **seconded** by Commissioner Finch and **carried** to rescind the notice to proceed and to rebid the project at a later date.

06020524. A letter was acknowledged from Gary Libey, attorney for Steve Trump (aka: Steve’s Glass), and forwarded to Deputy Prosecutor, Ron Shirley.

06020625. Motion by Commissioner Wigen **seconded** by Commissioner Finch and **carried** to allow the Chairman to sign contract amendment #E03023(A) with the Military Department for an additional \$33,000 for E911 operations.

2:15 p.m. - Kelli Campbell, Human Resources.

Present: John Peterson.

D060206A 1. Ms. Campbell notified the commissioners that the county’s industrial insurance rates through the Retrospective Rating Pool for 2003 was originally estimated at a 20% increase over the 2002 rates and preliminary budgets were submitted as such. Based on the county’s experience factor, the average base rate increased 40.5%. The actual figure for 2003 budgeting purposes is 72% over the 2002 rates. All departments will be notified of this change. John Peterson of Administrative Services will make the necessary revisions in all 2003 preliminary budgets.

Ms. Campbell passed on information to the Board that may be of assistance to them at the Retrospective Rating meeting taking place during the WSAC/WACO conference this week in Wenatchee.

D060206B 2. Ms. Campbell also reported she is in the process of creating cost scenarios for the classification system. If the Board has any specific scenarios they would like her to calculate she asked that they notify her as soon as possible because this is a lengthy process.

2:40 p.m. - Adjournment.

D060206C Commissioner Finch **moved** to adjourn the **September 30, 2002** 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 **October 7, 2002**. The foregoing action made this **30th** day of **September 2002**.

ss/ JERRY FINCH, Commissioner
ss/ LES WIGEN, Commissioner

MARIBETH BECKER, CMC
Clerk of the Board

GREG PARTCH, Chairman
Board of County Commissioners