

Minutes for October 4th, 2004

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062949 THE BOARD OF WHITMAN COUNTY COMMISSIONERS met in their Chambers in the Whitman County Courthouse, Colfax, Washington for **October 4, 2004 at 9:00 a.m.** Les Wigen, Chairman, G.R. "Jerry" Finch and Greg Partch, Commissioners and Maribeth Becker, CMC, Clerk of the Board attended.

9:00 a.m. – Board Business.

D062949A 1. Call to Order/Board Business/BOCC Workshop.

Present: Doug Robinson, Marlynn Markley, Denis Tracy and Chad Connors.

062950 2. Items discussed included proposals for District Court indigent defense, Weed Board meeting, WSAC/WACO health meeting, workshop with Port, State Auditor's charges and Hughes House roof. No action taken.

9:45 a.m. – Recess.

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

Present: Kelli Campbell, Megan Doyle and Tammy Lewis.

D062950A 3. Motion by Commissioner Finch to approve the consent agenda. Motion **seconded** by Commissioner Partch and **carried**.

062951 4. Claims/Payroll warrants numbered **168038-168289** for **\$841,429.70** approved.

FUND	FUND NAME	AMOUNT
001	Current Expense	40,853.07
102	Building & Development	566.78
103	Countywide Planning	352.00
104	Developmental Services	14.99
110	County Roads	449,190.19
119	Emergency Services	161.39
127	Drug Enforcement	53.75
134	Elections Reserve Fund	12,083.74
142	Whitcom-911	228,039.66
400	Solid Waste	97,294.91
501	Equipment Rental & Revolving	1,935.10
513	Communications Revolving	674.11
690	Clearing & Suspense	10,210.01

062952 5. September 27, 2004 minutes approved.

062953-062955 6. Personnel board orders approved.

062956 7. The Human Resources Director stated the Drug & Alcohol policy for Whitman County employees, with the exception of CDL employees, has been updated, renumbered and reformatted. Commissioner Finch **moved**, Commissioner Partch **seconded** the motion and it **carried** to sign the policy, Maintaining a Drug Free Workplace.

RESOLUTION NO. 062956

BEFORE THE BOARD OF WHITMAN COUNTY COMMISSIONERS

IN THE MATTER OF the action of the adoption for the Whitman County Policy **Maintaining a Drug Free Workplace;**

WHEREAS, this policy has been reformatted, amended and numbered to match the County’s new policy structure,

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-0409-HR MAINTAINING A DRUG FREE WORKPLACE.**

Dated this 4TH day of October 2004 and effective as of October 4, 2004.

BOARD OF COUNTY COMMISSIONERS
OF WHITMAN COUNTY, WASHINGTON

Les Wigen, Chairman

ATTEST:

Greg Partch, Commissioner

Maribeth Becker, CMC
Clerk of the Board

G. R. Finch, Commissioner

Effective Date: 10/04/04	POLICY	Page: 1 of 2
Cancels: F-9 See Also: POL-0410-HR		Approved by: BOCC Res. #062956

POL-0409-HR MAINTAINING A DRUG FREE WORKPLACE

Unless otherwise stated in a bargaining unit contract, this policy applies to all Whitman County employees.

1. Whitman County Recognizes Alcohol and Drug Abuse as Potential Health, Safety and Security Problems.

2. All Employees are Responsible for Maintaining a Drug Free Workplace.

Whitman County expects all employees to assist in maintaining a work environment free from the effects of alcohol, drugs, or other intoxicating substances.

Employees are prohibited from unlawfully manufacturing, dispensing, possessing, using, distributing, or purchasing non-prescribed drugs and intoxicants on County premises or in County vehicles and from working under the influence of alcohol, illegal drugs, or intoxicants during working hours. This includes when the employee returns from his/her lunch break during which he/she consumed one of the above substances.

If an employee suspects his/her co-worker of being under the influence, he/she must report it to the appropriate supervisor or Human Resources.

3. Employees Shall Report to Work in an Appropriate Mental and Physical State.

Employees are required to report to their jobs in an appropriate mental and physical condition, ready to work. If an employee may be impaired because of taking medication according to a doctor's prescription, he/she is expected to discuss it with his/her supervisor before commencing work that day.

If a supervisor develops a reasonable suspicion that an employee is under the influence of drugs or alcohol while at work, he/she may require that employee to take a drug/alcohol test. Reasonable suspicion includes, but is not limited to, abnormal coordination, behavior, speech or odor, unusual work performance or attendance problems. The suspicion needs to be confirmed by a reliable witness who has received substance abuse awareness training. All suspicious factors must be documented.

Since the symptoms mentioned above could be the result of other issues, every effort must be made to confirm possibilities other than drug/alcohol influence before requiring an employee to be tested.

4. Employees Convicted of a Criminal Drug Violation Occurring on County Property or Time Shall Report it to the County.

Any employee who is convicted of any violation of any criminal drug statute (including misdemeanors) for a violation occurring on Whitman County property or time shall notify his or her supervisor within five (5) days of the conviction. Employees convicted of a drug-related crime shall be subject to termination. A conviction includes any finding of guilt (including one agreed to by the employee), or pleas of no contest, and/or any imposition of a fine, jail sentence or other penalty.

5. Employees With Drug or Alcohol Abuse Problems are Strongly Encouraged to Seek Assistance.

Employees who have an alcohol or drug abuse problem are strongly encouraged to seek assistance through programs offered by the County's health carriers or the Employee's Assistance Program.

6. **Whitman County will Utilize Available County Resources to Educate Employees About the Dangers of Drug and Alcohol Abuse.**

7. **Violations of This Policy May Result in Discipline Up To and Including Termination.**

Any violation of this substance abuse policy will result in discipline up to and including termination. Compliance with this substance abuse policy is a condition of employment.

062957 8. The Director indicated the Conducting Random Drug/Alcohol Testing procedure is an accompaniment to the CDL Drug & Alcohol Policy approved last week. None of the rules have changed; the procedure has just been reduced to writing. Commissioner Finch **moved**, Commissioner Partch **seconded** the motion and it **carried** to approve and sign the procedure.

RESOLUTION NO. 062957

BEFORE THE BOARD OF WHITMAN COUNTY COMMISSIONERS

IN THE MATTER OF the action of the adoption for the Whitman County Procedure **Conducting Random Drug/Alcohol Testing;**

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 **PRO-0410-1-HR CONDUCTING RANDOM DRUG/ALCOHOL TESTING.**

Dated this 4TH day of October 2004 and effective as of October 4, 2004.

BOARD OF COUNTY COMMISSIONERS
OF WHITMAN COUNTY, WASHINGTON

Les Wigen, Chairman

ATTEST:

Greg Partch, Commissioner

Maribeth Becker, CMC
Clerk of the Board

G. R. Finch, Commissioner

Effective Date: 10/04/04	PROCEDURE	Page: 1 of 2
Cancels: See Also: POL-0410-HR		Approved by: BOCC Res. # 062957

PRO -0410-1- HR CONDUCTING RANDOM DRUG/ALCOHOL TESTING

Definitions

Action By:

Action:

Human Resources

1. **Receives** randomly selected employees for drug and/or alcohol testing.
2. **Schedules** a drug and/or alcohol testing appointment for each employee with the appropriate medical facility.
3. **Completes** the appropriate testing paperwork.
4. **Notifies** Public Works of who is to be tested and when.

Public Works

5. **Notifies** the appropriate employee just before his/her appointment to report for testing.

Employee

6. **Immediately** reports to Human Resources.

Human Resources

7. **Provides** the employee with testing paperwork.

Employee

8. **Immediately** reports to the appropriate medical facility.
9. **Participates** in the appropriate tests.
10. **Returns** to work.

Medical Facility

11. **Sends** the specimen to a laboratory for analysis.

Laboratory

12. **Tests** the specimen.

13. **Sends** the results to ChoicePoint.

ChoicePoint

14. **Notifies** Human Resources of the results.

Human Resources

15. If the result is negative, **files** the notice.
16. If the result if positive, **notifies** the Department Head/Elected Official.
17. **Assists** the Department Head/Elected Official with **investigating** the situation and **taking** the necessary action.

062958 9. The third resolution is again for CDL employees and the procedure for Reporting Criminal Convictions. It too compliments the policy voted on last week. No rules have changed; the procedures have

been reduced to writing. Commissioner Finch **moved**, Commissioner Partch **seconded** the motion and it **carried** to adopt the procedures for Reporting Criminal Convictions.

RESOLUTION NO. 062958

BEFORE THE BOARD OF WHITMAN COUNTY COMMISSIONERS

IN THE MATTER OF the action of the adoption for the Whitman County Procedure **Reporting Criminal Convictions**;

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 **PRO-0410-2-HR REPORTING CRIMINAL CONVICTIONS**.

Dated this 4TH day of October 2004 and effective as of October 4, 2004.

BOARD OF COUNTY COMMISSIONERS
OF WHITMAN COUNTY, WASHINGTON

Les Wigen, Chairman

ATTEST:

Greg Partch, Commissioner

Maribeth Becker, CMC
Clerk of the Board

G. R. Finch, Commissioner

Effective Date: 10/04/04	PROCEDURE	Page: 1 of 2
Cancels: See Also: POL-0410-HR		Approved by: BOCC Res. #062958

PRO -0410-2- HR REPORTING CRIMINAL CONVICTIONS

Definitions

Action By:

Action:

Employee

1. Is **convicted** of a drug/alcohol-related violation occurring in the workplace.
2. **Notifies** the Human Resources Director within 5 days of the conviction.

Human Resources

3. **Records** the notification.

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|---|-----|--|
| | 4. | Notifies the employee's Department Head/Elected Official. |
| Department Head/Elected Official | 5. | Ensures the employee has been removed from all safety sensitive functions. |
| | 6. | Determines if the employee's duties are associated with federal contracts or grants. |
| | 6a. | If no, moves to step seven. |
| | 6b. | If yes, notifies the appropriate federal agency within 5 days of the employee's notification. |
| | 7. | Determines within 30 days if the employee will face disciplinary action or be required to participate in a rehabilitation program (If this decision has not already been made). |
| | 8. | Communicates the decision to all federal agencies providing funding to the department. |
| | 9. | Communicates the decision to the employee. |
| Employee | 10. | If disciplined, prepares and acts in accordance with all requirements. |
| | 11. | If sent to rehabilitation, follows the steps required in policy POL--HR. |
| | 12. | Returns to work under the rehabilitation requirements. |

062959 **10.** Commissioner Partch **moved**, Commissioner Finch **seconded** the motion and it **carried** to approve the 2005 Martin Hall Juvenile Facilities budget.

RESOLUTION NO. 062959

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

IN THE MATTER OF APPROVING AND AUTHORIZING THE 2005 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 October 4, 2004.

BOARD OF COUNTY COMMISSIONERS
OF WHITMAN COUNTY, WASHINGTON

Les Wigen, Chairman

Greg Partch, Commissioner

ATTEST:

Maribeth Becker, CMC
Clerk of the Board

G.R. Finch, Commissioner

**MARTIN HALL JUVENILE FACILITY
2005 OPERATING BUDGET
Final Budget-Adopted 09/23/04 (by Martin Hall Board)**

Income Statement

<u>Member Users</u>	<u>Beds/Year</u>	<u>Cost/Bed</u>	<u>Total</u>
Adams County	730	\$125.00	\$ 91,250.00
Asotin County	732	125.00	91,250.00
Douglas County	2,007.5	125.00	250,937.50
Ferry County	182.5	125.00	22,812.50
Lincoln County	182.5	125.00	22,812.50
Pend Oreille County	730	125.00	91,250.00
Spokane County	1,825	125.00	228,125.00
Stevens County	2,555	125.00	319,375.00
Whitman County	912.5	125.00	114,062.50
Member Overage	<u>2,000</u>	125.00	<u>250,000.00</u>
	11,855		\$1,481,875.00
<u>Other Users</u>			
Coeur d'Alene Tribe	200	\$140.00	\$28,000.00
Kalispel Tribe	145	140.00	20,300.00
Spokane Tribe	600	140.00	84,000.00
Other Users	<u>300</u>	140.00	<u>42,000.00</u>
	<u>1,245</u>		<u>\$174,300.00</u>
Sub Total	13,100		\$1,656,175.00
<u>Other Income</u>			
Food Program			\$44,000.00
Interest Income			4,200.00
Utility Refund			<u>60,000.00</u>
			<u>\$108,200.00</u>
Total Income			\$1,764,375.00
<u>Expense</u>			
Capital Expense			15,000.00
Repairs			8,000.00
Communications			7,200.00
Office Supplies			1,000.00
Maintenance			25,000.00
Auditing			5,000.00
Accounting			28,000.00
Legal			20,000.00
Consulting			2,600.00
Fire Contract			2,000.00
Oper. Cont. Base			1,500,000.00
Oper. Cont./Over 40 Beds	350	\$102.00	35,700.00
Insurance			12,000.00
Rent			1.00
Utilities			60,000.00
Unallocated Reserve			<u>42,974.00</u>
Total			\$1,764,375.00

062960

11. A letter addressed to Jerry Lenzi, WSDOT regarding the SR 270 project was tabled until after Public Works staff has an opportunity to review it.

062961 12. Information received from the Department of Community Trade and Economic Development regarding contract and subcontract activity reports for contract #F-99-74099-015 was received. The information was forwarded to the Community Action Center for follow up.

062962 13. A letter was sent to Department of Health Secretary Mary Selecky regarding arbitrary interpretations by her staff concerning public water systems.

14. The following executed copies were received:

062963 Interlocal joint purchasing agreement with the City of Bellevue.

062964 JUB Engineering for Whitman County Solid Waste Plan.

062965 JUB Engineering for Whitman County Solid Waste Transfer Facility and Limited Purpose Landfill.

062966 Deputy Sheriff's Association 2002-04 bargaining agreement.

D062966A 15. Commissioners' pending list reviewed.

10:30 a.m. – Dane Dunford, Public Works Director.

Present: Mark Storey, Megan Doyle and Tammy Lewis.

Engineering Division:

D062966B 1. Mark Storey reported the Looney Bridge project is progressing very quickly; the Palouse Cove Road project has sped up quite a bit in the last few weeks. With another couple weeks of good weather, the contractor will be able to put gravel down on the road, but paving is not likely to occur this year.

Maintenance Division:

D062966C 2. The crew finished centerline striping and is now working on the white edgeline striping. Depending on weather, this project should be completed by mid next week. All districts are hauling gravel and will continue to do so for the remainder of October and part of November. Once completed, the crews will go back to ditch cleaning.

D062966D 3. The shop crew is repairing snow equipment damaged the previous season and converting snow equipment to difference pieces of equipment in order to be ready for the season with a minimum of one sander mounted and available in each district by the end of October. As November progresses, more equipment will be prepared for the winter season.

Administrative Division:

D062966E 4. The Engineer said he attended the Naylor Farms water hearing but was not an active participant. The Board's letter was entered as Whitman County's official position, testimony was received, but no decision was rendered.

11:00 a.m. – Recess.

11:30 a.m. – Dan Antoni, Pullman.

Present: Denis Tracy, Megan Doyle and Tammy Lewis.

D062966F 1. Mr. Antoni brought up the Department of Licensing sub-agent claim he filed against the county referring to issue as being a result of actions by the former county auditor. He complained that Golden Key's (Windemere) attorney fees were paid through the appeal process (as requested), but his attorney fees were only paid

up to the appeal process (as requested). Mr. Antoni thought this was unfair and asked the county to reimburse him for the total expenses incurred to regain his sub-agent appointment due to actions by the former county auditor. Denis Tracy pointed out the commissioners are not required to obtain advice from their lawyer in open session, but he agreed with the Board to address Mr. Antoni's concerns in open session today. His advice to the Board is that there is no legal basis to pay Mr. Antoni's claim for the cost of appeal. If paid at this point, it would be considered a gift and illegal. When Mr. Antoni made a claim for his costs, he claimed a certain amount of money and that amount was paid by the county to Mr. Antoni. In exchange for that, Mr. Antoni signed a release giving up any other claims and because of that Mr. Antoni cannot legally come to the county stating it is obligated to pay his claim. Mr. Tracy said he would not address actions of a former county auditor and he certainly was not suggesting the former county auditor engaged in any improper or illegal actions. He is simply saying Mr. Antoni signed a release and does not have a legal claim to payment now. Therefore, it is not proper for the county to pay. The Board, upon the advice of the Prosecutor, took no action.

D062967G 2. Mr. Antoni questioned the commissioners' travel allowance and wondered why they didn't receive the same mileage reimbursement for official county business at the rate of \$.375 per mile like other employees and officials. He thought any unused mileage amount for the month should be returned to the county. The commissioners responded to Mr. Antoni by briefly explaining the background of the commissioners' travel reimbursement policy dating back to 1987 of which the financial portion of the policy had not been amended for 12 years. The travel allowance takes into account mileage, maintenance, fuel, insurance, etc. for using their personal vehicles. The members talked about their option of using a county vehicle as opposed to using their own vehicle and the associated expenses, which is \$115/month more per commissioner than the present method. The Board was in agreement that the current policy is the most cost-effective and in the best interest of the county.

12:00 p.m. – Recess.

1:30 p.m. – Mike Werner, Developmental Services Director.

062967 Mr. Werner was meeting with the Board again today regarding the Hughes House roofing project. The county purchased this house with Referendum 37 funds 23 years ago. The home currently provides residential services for 4 developmentally disabled adults. In accordance with the referendum 37 funds, the county has the responsibility of providing this type of housing for 25 years expiring in 2006. The project involves removing 2 existing roofing layers on the house and garage tearing it down to the bare wood. Prevailing wage does apply on this project and through the small works process there were no interested contractors. Mr. Werner then proceeded to contact local roofers in the quad cities area. He received 2 quotes and has been negotiating with the company who provided the lowest quote, Clark's Roofing in Pullman. Their quote includes a 30-year manufacturer's warranty on the shingles, a 5-year warranty on the installation and workmanship, prevailing wage, all permits, disposal fees, sheathing and tax in the amount of \$14,800, previously reported \$14,500 in error.

Mr. Werner requested authorization of \$14,800 to proceed with the project including tax. A total of \$11,300 would be deducted from CIP funds (\$6,500 previously authorized and \$4,500 authorized last week) with the balance of \$3,500 being deducted from the house repair and maintenance fund. Commissioner Partch **moved**, Commissioner Finch **seconded** the motion and it **carried** to authorize the Chairman to sign the contract with Clark's Roofing when available. The Clerk was also authorized to use the Chairman's stamp if he was unavailable.

1:45 p.m. – Recess.

2:00 p.m. – Board Business Continued/BOCC Workshop.

Present: Sharron Cunningham, Tim Myers and Bob Reynolds.

D062967A 16. Items discussed included establishment of a Lodging Tax Advisory Committee. No action taken.

3:00 p.m. – Kelli Campbell, Human Resources Director.

D062967B 17. Commissioner Partch **moved**, Commissioner Finch **seconded** the motion and it **carried** to go into executive session with the above individual(s) until 4:00 p.m. for discussion of personnel matters.

4:00 p.m. – Return to Open Session/Adjourn.

D062967C Commissioner Partch **moved** to adjourn the **October 4, 2004** meeting. Motion **seconded** by Commissioner Finch and **carried**. The Board will meet in regular session, in their Chambers', in the Whitman County Courthouse, Colfax, Washington, on **October 11, 2004**. The foregoing action made this **4th** day of **October 2004**.

ss/ G.R. FINCH, Commissioner
ss/ GREG PARTCH, Commissioner

MARIBETH BECKER, CMC
Clerk of the Board

LES WIGEN, CHAIRMAN
Board of County Commissioners