

Minutes for November 17, 2008

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068871 THE BOARD OF WHITMAN COUNTY COMMISSIONERS met in their Chambers in the Whitman County Courthouse, Colfax, Washington for **Monday, November 17, 2008 at 10:00 a.m.** Chairman Michael Largent and G.R. Finch, Commissioners and Maribeth Becker, CMC, Clerk of the Board attended. Commissioner Partch is attending emergency management training.

10:00 a.m. - Call to Order/Board Business/Pledge of Allegiance.

Present: Pat O'Neill and Joe Smillie.

D068871A 1. Motion by Commissioner Finch to accept the consent agenda as put forward. Motion **seconded** by Commissioner Largent and **carried**.

068872 2. Claims/Payroll warrants numbered **221910, 221741-221771, 221795-221817** and **221998-222202** for **\$767,575.57** approved.

FUND	FUND NAME	AMOUNT
001	Current Expense	92,562.05
102	Building & Development	37.83
103	Countywide Planning	87.60
104	Developmental Services	40,614.97
109	Homeless Housing	3,451.88
110	County Roads	278,821.46
111	CETC Building	35.67
114	Bulk Purchasing	1,875.72
118	Inmate Welfare	547.54
123	Paths & Trails-123.310.000	727.12
127	Drug Enforcement-Quad City	378.55
134	Elections Reserve Fund	1,021.28
136	Electronic Monitoring	46.00
137	Web Site Development	52.11
138	Federal Equitable Sharing	1,722.59
141	Washington Housing SHB 2060	1,404.95
144	Emerg. Communic.-144.260.001	4,076.55
300	CIP Asset Acq.-300.010.001	778.73
300	CIP Klemgard Park-300.310.001	19.59
400	Solid Waste	4,479.42
501	Equipment Rental & Revolving	94,926.74
510	Photocopier Revolving	45.78
513	Communications Revolving	1,084.27
660	Whitcom-General-660.911.000	1,886.16
690	Clearing Fund 690.002.000	236,891.01

068873 3. November 10, 2008 minutes approved.

068874-068878 4. Personnel board orders approved.

068879 5. Commissioner Finch **moved** Commissioner Largent **seconded** the motion and it **carried** to accept the Overseeing County Email and Internet Systems Policy.

RESOLUTION NO. 068879

BEFORE THE BOARD OF WHITMAN COUNTY COMMISSIONERS

IN THE MATTER OF the action of the adoption for the Whitman County Policy **Overseeing County E-Mail and Internet Systems;**

WHEREAS, this policy has been updated to meet administrative and legal requirements; and

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-0408-HR **OVERSEEING COUNTY E-MAIL AND INTERNET SYSTEMS.**

Dated this 17TH day of November 2008 and effective as of December 1, 2008.

BOARD OF COUNTY COMMISSIONERS
OF WHITMAN COUNTY, WASHINGTON

Michael Largent, Chairman

Greg Partch, Commissioner

ATTEST:

Maribeth Becker, CMC
Clerk of the Board

G.R. Finch, Commissioner

Effective Date: 12/1/08	POLICY	
Cancels: Res. 062267		Approved by: BOCC
See Also: POL-005-IS; POL-1500-HR		Res. #068879

POL-0408-HR **OVERSEEING COUNTY E-MAIL AND INTERNET SYSTEMS**

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

Definitions

E-mail: Electronic mail. Messages and attachments sent from one computer to another via an electronic system.

Internet: Thousands of interconnected electronic networks.

User: Anyone who is authorized to use an e-mail account or access the internet via Whitman County property.

1. Whitman County Encourages the Use of County Computer Equipment.

Whitman County encourages the efficient and effective use of county computer equipment. It recognizes that the computer is a necessary tool for receiving and sending vital information in county business. In doing so, the county expects all internet and e-mail users to exercise common sense and discretion.

It also realizes that email and internet use has the potential to be abused. Therefore, Whitman County hopes to eliminate that abuse with the use of this policy.

2. Web Email is Available.

At the discretion of the Department Head/Elected Official, employees may be given access to web email through Information Services. Web email, although not always used through a county computer, is subject to all laws and policies pertaining to email use through county equipment. This includes, but may not be limited to, all policies, procedures and laws concerning email use, security, privacy and public disclosure.

3. The Information Services Director, Other Department Heads and Elected Officials are Responsible for County Electronic Systems.

The Information Services Director is responsible for the operation and maintenance of the County's electronic information system. This includes use of the internet and e-mail.

Department Heads/Elected Officials are responsible for the oversight and enforcement of this policy.

4. E-Mail and Internet Access is for Business Purposes Only.

E-mail and internet access is to be used for business purposes only. As such, it should be retained and treated as any other county record.

It is not uncommon for employees/agents to receive personal e-mails or occasionally look up personal sites on the internet. However, this practice must be kept to a minimum, be within legal regulations and not violate any part of this policy. Furthermore, employees should not be exploring personal internet sites where the public can view them doing so. Personal use of the internet and/or e-mail must be approved by the Department Head/Elected Official.

Employees shall not stream audio or video for non-work related purposes.

5. County Computers are County Property.

All county computers and their contents are the property of Whitman County. Therefore, all files sent via e-mail and downloaded from the internet or any other source are also the county's property.

It should be remembered that e-mail may be disclosed through public disclosure laws and rules of discovery in the case of a lawsuit. Confidentiality cannot be expected, except in the case of medical/legally confidential or privileged information. Users should not send highly sensitive, confidential or privileged material through the e-mail or internet.

Due to retention laws, Information Services strives to retain all emails for three years. All emails requiring retention longer than three years, such as public disclosure requests and data specific to each department, are the responsibility of the Department Head/Elected Official in accordance with RCW 40.14.010.

6. Computers are Subject to Monitoring.

An employee's/agent's rights while using county computers do not include privacy. Whitman County reserves the right to monitor, in any way, the computer activities of the employee/agent. It is the Department Head/Elected Official's responsibility to oversee e-mail and internet monitoring.

Furthermore, by using the county's computer, e-mail system, internet access and other equipment, the employee/agent knowingly and voluntarily consents to and acknowledges Whitman County's right to monitor its property.

Department Heads/Elected Officials may review computer content, internet histories and/or e-mail at any time. They may do so at the individual computer station or through the county's networking system. Information Services may perform monitoring if requested in writing by the Department Head/Elected Official. Human Resources may request the monitoring of an employee's computer if reasonable suspicion of a violation exists. The reasoning for such a request

must be documented and may only be made if, after being notified of the suspicion, the Department Head/Elected Official refuses to investigate the allegations within thirty calendar days.

If, during the course of their duties, Information Services' employees discover questionable activity on an employee's/agent's computer, they shall immediately report the activity to the Information Services Director. The Director shall then contact the Department Head/Elected Official.

It is important to understand deleting an internet file from your computer does not necessarily mean it has been deleted from the system.

7. Whitman County Prohibits Certain Uses of the Internet and/or Email.

The following are internet and/or e-mail uses specifically prohibited by Whitman County:

- Commercial use: unless it is a core function of the department, any form of commercial use to benefit an individual or organization other than Whitman County.
- Copyright Violations: any use that violates copyright laws.
- Solicitation: the purchase or sale of personal items in violation of the county's solicitation policies.
- Harassment: any use that harasses, retaliates or discriminates against employees, vendors, customers and any other individuals.
- Downloading or uploading files or programs without the permission of the Department Head/Elected Official and Information Services. Files from the internet, or any other outside source, may contain a virus and must be scanned by virus detection software prior to use. The installation of programs shall be coordinated with Information Services.
- Viewing, distributing or downloading offensive or sexually explicit material: this includes, but is not limited to, pornographic material.
- Inappropriate language: includes obscenity, vulgarity, profanity or name-calling. It may also include expressions of ill will against individuals or groups.
- Politics: use for political purposes.

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- Misrepresentation: the use of aliases is prohibited. Whitman County also prohibits the misrepresentation of an employee, a job description or county position.
- Misinformation/Confidential Information: the release of untrue and or confidential information regarding county business. This includes accessing, viewing or forwarding confidential information unless the user has the same privilege or confidence or has obtained permission from the original sender.
- Viewing/Downloading Non-Business Related Information without the permission of the Department Head/Elected Official: this includes viewing, downloading or any other method for retrieving non-County related information.
- Hacking or spamming.
- Streaming audio or video for non-work related purposes.

8. Large Attachments Should be Avoided.

Large e-mail attachments (over five megabyte) should be avoided. Other means of communicating the information should be used.

9. Security is Vital.

It is the responsibility of each e-mail and/or internet user to maintain a degree of security. For this reason, security features should be updated regularly.

Computer and e-mail passwords shall be changed at least once per year. They must also be changed in the event of employee turnover, a change in software, a breach of privacy or any other event that would put confidential information at risk. Passwords shall be at least eight characters in length and consist of a combination of upper and lower case letters, numbers and at least one special character (i.e. exclamation point, @ sign, etc.). They shall not contain any part of the employee's username or full name. Employees/agents should not share their password with others or access another's e-mail except when authorized by the Department Head/Elected Official. Nor should passwords be stored where unauthorized individuals may easily access the information (i.e. under keyboards, on the front of monitors, etc.).

Passwords shall be reported to the Department Head/Elected Official or his/her designee. That individual shall store those passwords in a secure, confidential location. The Department Head/Elected Official and designee shall be the only individuals with access to the password record.

10. Violations of This Policy are Subject to Discipline.

Violation of policy regarding internet and/or e-mail use may result in discipline up to and including termination. Violations shall be immediately reported to the appropriate Department Head/Elected Official or Human Resources.

Furthermore, internet and/or e-mail access may be removed from any employee due to violations of this policy as determined by the appropriate Department Head/Elected Official.

Contractors, consultants or other authorized agents who violate this policy may be banned from e-mail/internet use. Their contracts may be terminated as well.

Whitman County reserves the right to bring legal action for misuse of its e-mail and/or internet system.

068880 6. Commissioner Finch **moved** Commissioner Largent **seconded** the motion and it **carried** to authorize the publishing of a notice for the 2009 budget hearing.

068881 7. Commissioner Finch **moved** Commissioner Largent **seconded** the motion and it **carried** to accept the recommendation of the CIP Committee and authorize the Chairman to sign a letter of thanks to Tim Myers and a letter of appointment to Julie Banks to serve on the CIP Committee.

068882 8. Commissioner Finch **moved** Commissioner Largent **seconded** the motion and it **carried** to authorize the Chairman to sign a letters of thanks to Jeanne Kjack and Archie Neal, to reappoint John Goyke and to appoint Ron Wachter, Dale Miller and Ken Jacobs to the Blue Ribbon Advisory Task Committee. All terms will expire 12/31/12.

10:15 a.m. - Janet Schmidt.

068883 9. Janet Schmidt presented the 2009 WSU memorandum of agreement for Extension Agent wages. Commissioner Finch **moved** Commissioner Largent **seconded** the motion and it **carried** to the WSU MOA.

10. The following grant data application forms were approved upon **motion** by Commissioner Finch **seconded** by Commissioner Largent and **carried**.

068884 Public Health Emergency Preparedness & Response-\$1,800

068885 Public Health Emergency Preparedness & Response-\$48,997

068886 11. A letter of resignation from the Civil Service Commission was received from Robert L. Boettcher.

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068887 12. Information pertaining to the 2009 school district levy authority was received from the Superintendent of Public Instruction.

068888 13. Information pertaining to the McKay Grain & Livestock lease with the Department of Natural Resources was received.

068889 14. Commissioners' pending list reviewed.

10:20 a.m. - Recess.

10:30 a.m. - 2009 CDBG-PS Grant Hearing.

Present: Kim Donahue, Community Action Center (CAC) and Pat O'Neill.

068890 Chairman Largent convened the hearing for the 2009 CDBG-PS grant hearing.

Ms. Donahue stated in 2008, these funds were used as a filler for the agency and are critical to help with the food bank, housing assistance programs, emergency and crisis assistance, case management, protective payee services and staff time. The same services are being proposed in the 2009 grant but with a 2-3% reduction in funding.

Pat O'Neill felt the work CAC does is vital to Whitman County. There being no further comments from those in attendance, the Chairman adjourned the hearing.

Commissioner Finch **moved** Commissioner Largent **seconded** the motion and it **carried** moved to sign the grant application and resolution.

**RESOLUTION NO. 068890
WITH CERTIFICATIONS OF COMPLIANCE
For CDBG Public Services Grant Only**

WHEREAS, Whitman County is applying to the state Department of Community, Trade and Economic Development for funding assistance; and,

WHEREAS, it is necessary that certain conditions be met as part of the application requirements; and,

WHEREAS, the Whitman County Commissioners are authorized to submit this application to the State of Washington on behalf of Whitman County.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Whitman County Commissioners authorize submission of this application to the State Department of Community, Trade and Economic Development to request \$125,968 to fund public service activities in coordination with Community Action Center, and certifies that, if funded, it:

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Will comply with applicable provisions of Title I of the Housing and Community Development Act of 1974, as amended, and other applicable state and federal laws; and,

Has provided opportunities for citizen participation comparable to the state's requirements (those described in Section 104(a)(2)(3) of the Housing and Community Development Act of 1974, as amended); and,

Has complied with all public hearing requirements and provided citizens, especially low-and moderate-income persons, with reasonable advance notice of, and the opportunity to present their views during the assessment of community development and housing needs, during the review of available funding and eligible activities, and on the proposed activities; and,

Has provided technical assistance to citizens and groups representative of low- and moderate-income persons that request assistance in developing proposals; and,

Will provide opportunities for citizens to review and comment on proposed changes in the funded project and program performance; and,

Will not use assessments against properties owned and occupied by low-and moderate-income persons or charge user fees to recover the capital costs of CDBG-funded public improvements from low-and moderate-income owner-occupants; and,

Will establish a plan to minimize displacement as a result of activities assisted with CDBG funds; and assist persons actually displaced as a result of such activities, as provided in the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended; and,

Will conduct and administer its program in conformance with Title VI of the Civil Rights Act of 1964 and the Fair Housing Act, and will affirmatively further fair housing, (Title VIII of the Civil Rights Act of 1968); and,

Has adopted (or will adopt) and enforce a policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in nonviolent civil rights demonstrations; and has adopted (or will adopt) and implement a policy of enforcing applicable state and local laws against physically barring entrance to or exit from a facility or location which is the subject of such nonviolent civil rights demonstration within its jurisdiction, in accordance with Section 104(1) of the Title I of the Housing and Community Development Act or 1974, as amended; and,

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Will provide, upon request, and prior to any obligation of funds being made, a complete and accurate CDBG Federal Funds Disclosure Report detailing the required applicant/grantee information, and as appropriate other government assistance provided or applied for, interested parties and expected sources, and uses of funds.

Whitman County designates Michael Largent, Chairman of the Board, as the authorized Chief Administrative Official and authorized representative to act in all official matters in connection with this application and Whitman County's participation in the Washington State CDBG Program.

Dated this 17th day of November 2008.

BOARD OF COUNTY COMMISSIONERS
OF WHITMAN COUNTY, WASHINGTON

Michael Largent, Chairman

Greg Partch, Commissioner

ATTEST:

Maribeth Becker, CMC
Clerk of the Board

G.R. Finch, Commissioner

10:40 a.m. - Recess.

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

Present: Phil Meyer, Dan Gladwill, Alan Thomson and Pat O'Neill.

ACTION ITEMS

Engineering Division:

068991 1. The Public Works Director/Engineer submitted his report in response to a petition for a reduced speed limit on Kitzmiller Road. The report recommended the speed limit be reduced to 35 MPH as of 11/24/08.

068992 Commissioner Finch **moved** Commissioner Largent **seconded** the motion and it **carried** to accept the findings of the Engineer's report and that the resolution to set the speed limit on Kitzmiller Road at 35 MPH be signed as presented.

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

In the Matter of Establishing) RESOLUTION NO. 068992

Speed Limits for an Improved)
County Road, Kitzmiller Road)
#5520, Whitman County,) ORDER ESTABLISHING SPEED LIMITS
Washington)

BEFORE THE BOARD OF COUNTY COMMISSIONERS of Whitman County, Washington in the matter of changing the speed limit on a certain county road pursuant to R.C.W. 46.61.415;

WHEREAS, the BOARD has received a petition from numerous property owners along the Kitzmiller Road requesting consideration be given to dropping the posted speed on the road, and,

WHEREAS, the BOARD has directed the County Engineer to prepare a report regarding the existing conditions along the Kitzmiller Road, near the city of Pullman, and,

WHEREAS, the BOARD has reviewed and accepted the recommendations of the County Engineers report indicating that the geometry and character of the road are such that reducing the speed to 35 mph would be consistent with good engineering principles and management,

IT IS HEREBY RESOLVED that the maximum speed limit for the entire length of the Kitzmiller road shall be set at 35 mph. The change shall be implemented on November 24, 2008. It is further resolved that the road shall be posted with fixed signs indicating the maximum speed.

ADOPTED this 17th day of November 2008.

BOARD OF COUNTY COMMISSIONERS
OF WHITMAN COUNTY, WASHINGTON

Michael Largent, Chairman

Greg Partch, Commissioner

ATTEST:

Maribeth Becker, CMC
Clerk of the Board

G.R. Finch, Commissioner

Planning Division:

D068892A 2. The Planner invited one of the commissioners to attend the next Planning Commission workshop on at which time Tim McMahan will be speaking on wind power.

Building Division:

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068893 3. The 3rd quarter building activity report was received and explained by Dan Gladwill.

Maintenance Division:

068894 4. Bridge lumber for 2009 was awarded to Kennedy-Johnsen Lumber, Inc. through the small works roster process for a total bid amount of \$15,915.20 without tax.

D068894A 5. Road maintenance-wise, the equipment is ready for snow; during the interim, crews are putting down a little gravel and grading roads.

Solid Waste Division:

068895-068897 6. Three flyers about recycling were received.

068898 7. The Director pointed out that he would be responding to the solid waste landfill complaint received the previous week.

11:30 a.m. - Sharron Cunningham, Administrative Services.

Present: Adam Roberts, Bev Divine, Bob Lothspeich, Doug Robinson, Eunice Coker, Joe Reynolds, Mark Storey, Marlynn Markley, Tim Myers and Pat O'Neill.

Excused: Kelli Campbell.

068899 The October 2008 ending financial report provided by Ms. Cunningham.

October 2008 Cash Balance - \$2,895,969

October 2007 Cash Balance - \$3,200,972

October 2008 Revenue - \$9,689,892 - 79.37% of budget.

October 2007 Revenue - \$9,954,438 - 75.83% of budget.

October 2008 Expenditures \$9,844,325 - 79.36% of budget.

October 2007 Expenditures \$9,450,534 - 71.58% of budget.

12:00 p.m. - Recess.

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

Present: Tim Myers, Pat O'Neill and Joe Smillie.

D068899A 15. Items discussed included Parks and Developmental Services updates. No action taken.

2:00 p.m. - Recess.

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D068899B THE BOARD OF WHITMAN COUNTY COMMISSIONERS met in their Chambers in the Whitman County Courthouse, Colfax, Washington for **Tuesday, November 18, 2008** at **2:00 p.m.** Chairman Michael Largent, and G.R. Finch, Commissioners and Maribeth Becker, CMC, Clerk of the Board attended. Commissioner Partch is attending emergency management training.

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

Present: WSU President Elson Floyd, Mel Taylor and Joe Smillie.

D068899C 16. The WSU representatives spoke to the commissioners about the proposed university district.

2:30 p.m. - Adjournment.

D068899D Commissioner Finch **moved** to adjourn the **November 17 and 18, 2008** meeting. Motion **seconded** by Commissioner Largent and **carried**. The Board will meet in regular session, in their Chambers', in the Whitman County Courthouse, Colfax, Washington, on **December 1, 2008**. The foregoing action made this **18th** day of **November 2008**.

ss/ G.R. FINCH, COMMISSIONER

MARIBETH BECKER, CMC
Clerk of the Board

MICHAEL LARGENT, CHAIRMAN
Board of County Commissioners