

## MINUTES

### BOARD OF COUNTY COMMISSIONERS MEETING

August 26, 2002

The Commissioners met in session in the Commissioners' Meeting Room, Administration Building, Montesano, Washington, on Monday, August 26, 2002, at 2:00 p.m. Commissioners Bob Beerbower, Dennis Morrisette and Dan Wood were present. Also in attendance were Sharon Meier, Deputy Clerk of the Board and Jim Baker, Senior Deputy Prosecuting Attorney.

**MINUTES OF PREVIOUS MEETING:** The minutes of the Commissioners' Meeting of August 19, 2002, were approved as presented.

#### **PRESENTATION:**

**Grays Harbor/Pacific Counties Food Bank Distribution Center:** Mike Daniels, volunteer for the Grays Harbor/Pacific Counties Food Bank Distribution Center, provided a presentation supporting a request to add a project to the WA-CERT list and requesting the Board of Commissioners to sponsor a Department of Community Trade and Economic Development (DCTED) grant application. Mr. Daniels explained the Board of Directors of the Grays Harbor/Pacific Counties Food Bank Distribution Center requests the Board to place the Distribution Center Relocation Project on the WA-CERT list of proposed community projects as a project priority for eligible grant consideration. The Center requested the Board of Commissioners act as the local government project application sponsor for their application to the State Department of Community Trade and Economic Development Block Grant Program in the Community Investment Fund category. Mr. Daniels explained the requests stem from the need for the Center to secure permanent residence in a facility that is constructed for the mission and can insure long-term stability for the services provided. A location has been identified to construct a new facility, which is owned by the Port of Grays Harbor and there are discussions with the Port regarding lease terms of the site. The Center has applied for other grants from various sources and have secured a funding offer from the Bishop Foundation. Mr. Daniels reported the Center is required to have a local government sponsor for the DCTED program submittal and have been notified that the project must be ranked on the WA-CERT list to qualify for consideration. The Board of Directors of the Food Bank Distribution Center believe this application would not be in conflict with projects that may be sponsored by the County for other DCTED block grant programs that may be available. The Community Investment Fund appears to be a separate source that has an open application term and pre-applications submitted in September would be considered for approval in October. The Center would like to meet the September submittal time line. Mr. Daniels provided a briefing document outlining the number of food banks, feeding programs and tribes the Distribution Center serves. A motion was made, seconded and passed to:

Minutes

Board of Commissioners -- August 26, 2002

Page Two

- (1) Amend the WA-CERT list and place the Distribution Center Relocation Project on the WA-CERT list as position #3.
- (2) For Grays Harbor County to serve as the local government project application sponsor for the application to the State Department of Community Trade and Economic Development Block Grant Program in the Community Investment Fund category.

**BIDS:**

**Grays Harbor County Railroad Crossing Protection Guardrail Installations, Elma-Hicklin Road – C-79740-03 and C-79740-04:** There was a bid opening for the construction of the following project: Grays Harbor County Railroad Crossing Protection Guardrail Installations Elma-Hicklin Road, C-79740-03 and C-79740-04. The work to be performed under this project consists of installing two (2) railroad crossings, guardrail protection in conformance with WSDOT Standard Plan C-2, Case 3 at three (3) locations, and one special installation consisting of a Bullnose and two (2) Type 1 Anchor Sections in accordance with the plans, Special Provisions, and the 2002 WSDOT/APWA Standard Specifications for Road, Bridge, and Municipal Construction, English, Division 1 APWA Supplement. Plans and specifications were available from the Grays Harbor County Public Services Department, Administration Building, 100 West Broadway, Suite 31, Montesano, Washington. One bid was received and opened and read as follows:

Peterson Brothers, Sumner, Washington

\$15,863.80

Chairman Beerbower referred the bid to the Department of Public Services for review and recommendation.

**HEARINGS:**

Chairman Beerbower reported the process for the public hearings as follows: (1) the Deputy Clerk of the Board will read the notice; (2) a staff report by County staff; and (3) an opportunity for the public to speak. The public comment section of the hearing was closed and action by the Board of Commissioners was taken

**Sheriff's Department Fund #001-000-032, \$28,192:** There was a public hearing to consider Supplemental Appropriation as follows: Sheriff's Department Fund #001-000-032 in the amount of \$28,192.00. Mike Whelan, Grays Harbor County Sheriff, provided a staff report and explained the request to due to federal funding received from the U.S. Department of Justice State Criminal Alien Assistance Program. Funding will be used on the upgrade of the Spillman System Software. Chairman Beerbower asked for public comment. There was no public comment and the hearing was closed. A motion was

Minutes

Board of Commissioners -- August 26, 2002

Page Three

made, seconded and passed to approve **Resolution No. 02-78 – Authorizing A Supplemental Extension In The Budget Of The Grays Harbor County General Fund Sheriff's Department #001-000-032.**

**Consider a Text Amendment to Grays Harbor Zoning Ordinance No. 241:** There was a public hearing to consider a text amendment to Grays Harbor Zoning Ordinance No. 241. Specifically, to add R.V. repair as a Conditional Use under the Resort Residential (R-3) zoning -- district regulations. A SEPA Determination of Non-Significance (DNS), dated July 15, 2002, was issued under WAC 197-11-340. Chairman Beerbower asked for a staff report. Suresh Bhagavan, planner, with Grays Harbor County, provided a staff report. Mr. Bhagavan reported the Board of County Commissioners were provided the following materials prior to the public hearing. The materials were entered into the record, by reference:

1. Record of Action of the Planning Commission, containing the Findings of Fact, Conclusions, and Staff Recommendations.
2. Application
3. Determination of Non-Significance
4. Environmental Checklist
5. Notice of Public Hearing

Chairman Beerbower asked for public testimony. He reported public testimony will be taken today however, the Commissioners will continue a decision to September 9, 2002. There was no public comment and the hearing was closed. A motion was made, seconded and passed to continue to September 9, 2002.

**Consider Amending Grays Harbor County Ordinance 197 Adjusting the Excise Tax on Radio Access Lines Located in Grays Harbor County:** There was a public hearing to consider amending Ordinance 197. Whereas, the following summary provides a brief description of the ordinance to be presented to the Board of Commissioners of Grays Harbor County for consideration: An Ordinance Amending Grays Harbor County Ordinance 197 Adjusting the Excise Tax Imposed On Each Radio Access Line Located In Grays Harbor County. Chairman Beerbower asked for staff report. Peggy Fouts, Director of Grays Harbor E-911 provided a staff report. Ms. Fouts provided statistical information and provided informational packets to the Board of Commissioners. She reported the members of the Administrative Board of the Grays Harbor E-911 Communications Center are requesting assistance in ensuring a continued resource for funding. The 2002 Legislature found that statewide enhanced 911 has proven to be a lifesaving service, and that routing a 911 call to the appropriate public safety answering point with a display of the caller's identification and location should be available for all users of telecommunications services, regardless of the technology used to make and

transmit the 911 call. The Legislature also found that is in the best public interest to ensure that there is adequate ongoing funding to support enhanced 911 services. They amended R.C.W. Chapter 82.14B to allow county legislative authorities to increase an excise tax of twenty-five (25) to fifty (50) cents per month on each radio access line (cell phone) to fund the emergency services communications system. This minimal increase only affects those citizens that utilize this type of connectivity. As part of the review to the R.C.W., it was emphasized by the State 911 Office that local government must enact all funding sources available, prior to being eligible for state funding assistance. This statement by the State 911 office is what concerns this board to the highest degree. During the past ten years the Grays Harbor E-911 Center has received \$2.9 million in state funding in support of the implementation and operation of the center. Losing this type of funding would impact all 39 agencies involved in the Consolidated 911 Center. Ms. Fouts pointed out as an example, the 2002-2003 request for \$294,000 would be denied, causing those monies to be funded by the local agencies. Ms. Fouts explained that currently cellphones do not display the location of the caller or a call back phone number. This inhibits the dispatcher's ability to render assistance to disoriented travelers. Ms. Fouts played a tape of an E-911 call placed by an individual who was not familiar with the area and was unable to identify where she was calling from. With the additional funding, the Center would move towards implementing Phase I and Phase II services for the citizens and tourists passing through Grays Harbor County. With Phase II service implemented, the dispatcher would be able to plot on a map the exact location of the caller to within 20 feet. Ms. Fouts reported this as being a necessary service due to the remoteness of Grays Harbor County. Sheriff Whelan encouraged the Board of Commissioners to support the minimal increase of twenty-five (25) to fifty (50) cents per month on each radio access line (cell phone) to fund the emergency services communications system. Chairman Beerbower asked for public comment. There was no public comment and the hearing was closed. Sheriff Morrisette made a statement in support of the proposed ordinance. A motion was made, seconded and passed to approve **Ordinance No. 296 – An Ordinance Amending Ordinance 197 Adjusting The Excise Tax On Radio Access Lines.**

**DEPARTMENT OF PUBLIC SERVICES:**

**Request Approval, Vehicle Purchases Bid Opening Date of September 9, 2002:**

September 9, 2002 at 2:00 p.m. is the date and time set for bid opening for the purchase of the following:

- 1 Midsize 4 door 6 cyl sedan
- 1 ¾ ton crew cab 4x4 pickup
- 1 4 door 4x4 sport utility vehicle
- 1 84 inch CA utility body with crane

1 15,000# CVWR cab and chassis truck

**Request Approval, Acknowledgement of Vacation:** The Department of Public Services received a petition from Stanley Hallett to acknowledge vacation of rights of way surrounding property he owns in Ocosta. The Department of Public Services find no record of these rights of way having ever been opened within the applicable time period. The Department of Public Services have no objection to the Board acknowledging these rights of way having been automatically vacated by operation of law. A motion was made, seconded and passed to approve **Resolution No. 02-79 – Resolution Acknowledging Vacation By Operation Of Law.**

The following item was received after the agenda was prepared:

**Negotiations For Purchase of 123 First Street:** The Grays Harbor County Public Services Department, Utilities and Development Division is currently leasing the building at 123 First Street, Montesano from Pioneer Building Company. They propose to purchase this building and request authority to proceed with negotiations. This authority shall include the commitment of earnest money with final purchase approval by the Board of County Commissioners. A motion was made, seconded and passed to grant approval and authorization for F. Paul Easter to act on behalf of the Board of County Commissioners in negotiating a purchase contract and committing earnest money.

**DEPARTMENTS:**

**MANAGEMENT SERVICES:**

**Request Set Hearing Date, Emergency Budget and Loan Resolution, Auditor's M & O Fund #102:** September 9, 2002 at 2:00 p.m. is the date and time set for an emergency budget hearing in the Auditor's M & O Fund #102 for \$70,000. The County would like to purchase the old Pacific Title Building at 123 South 1<sup>st</sup> Street, Montesano with the Auditor's M & O Fund to be used for storage and preservation of county public documents. The County has negotiated a price of \$200,000 with an additional approximate 3% closing costs. The auditor's M & O Fund has an available fund balance of \$136,000 combined with the proposed \$70,000 loan covers the building purchase price and closing costs.

**Request Approval, Agreement for General Law Enforcement Services:** A motion was made, seconded and passed to approve two copies of the Agreement for General Law Enforcement Services between Grays Harbor County and the City of Ocean Shores. This agreement covers portions of the ocean beaches in front of the city limits of the City of Ocean Shores and to the north of the city to Conner Creek. The County has primary

jurisdiction over the public highway but will enter into contract with the City of Ocean Shores to provide general law enforcement services.

### **WSU EXTENSION**

**Request Approval, Renewal Application – GEAR UP Project:** A motion was made, seconded and passed to approve the Renewal Application for the GEAR UP project for September 1, 2002 through August 31, 2003. This is a continuation of the current grant which implements the Gaining Early Awareness and Readiness for Undergraduate Program (GEAR UP) Scholars Project, a federal/state partnership grant program. The Scholars Project will serve 1,200 low-income, disadvantaged students (grades seven through twelve) and provide long-term, year-round, comprehensive support to motivate, encourage, and prepare students to enroll and succeed in post secondary education programs.

### **COMMISSIONERS:**

**Consider Request to Join Forest Board Lands Lawsuit:** Commissioner Wood reported the Washington Environmental Council has filed a lawsuit against Public Land's Commissioner Doug Sutherland and the Board of Natural Resources. Washington Environmental Council is suing, under a theory that the State violated SEPA, to stop all timber sales on the trust lands. Commissioner Wood explained this would affect Grays Harbor County by approximately \$1 million in revenue. It will also affect school districts, libraries, fire districts, etc. by approximately \$1 million. Commissioner Wood explained there is an opportunity to join as intervenors in the lawsuit. American Forest Resource Council will pay the legal costs on behalf of the intervening parties. Commissioner Wood made a motion to authorize the County Prosecutor to sign the documents on behalf of Grays Harbor County to join as an intervenor in Washington Trust Forest Litigation. The motion was seconded and passed to approve **Resolution No. 02-80 – Resolution Authorizing Joint Representation With American Forest Resource Council As Intervenor-Defendant in Washington Trust Forest Litigation.**

### **PUBLIC COMMENT:**

Chairman Beerbower asked for public comment. There was no public comment.

### **CORRESPONDENCE:**

The Deputy Clerk of the Board announced the following correspondence received:

Minutes

Board of Commissioners -- August 26, 2002

Page Seven

- (1) From Stanley Trohimovich, an e-mail was received on Monday, August 26, 2002. The Deputy Clerk of the Board read from the e-mail the following:

Please read at your August 26, 2002 meeting and enter the text, which is quite short, in the minutes of the aforesaid meeting. Check your First Amendments obligations before you ignore my request.

1. Since your first June, 2002 meeting, have I sufficiently advised you of your voluntary and intentionally imposed obligations of a known legal duty, which is fully stated in the official bond each of you filed with the appropriate officer of this County, that you know or should know you have violated your promise as contracted in said bond with your surety?
2. Is the evidence concerning your denial, to date, of my right to petition for an accounting without any explanation whatsoever so overwhelming that it matters naught whether you continue to ignore my attempts to communicate with you on this subject?
3. I renew my petition for an accounting. Will you take immediate action on my request, which is supported by the plains words of Wash. St. Const. Article XXVII, Sec. 2?

Dated: August 24, 2002. (signed) Stanley J. Trohimovich, 1521 Simpson Avenue, Aberdeen

Chairman Beerbower referred the e-mail to the Prosecutor's Office and it was available to the public for review in the Commissioners Office.

**APPOINTMENT:**

None

**ANNOUNCEMENT:**

Chairman Beerbower announced there would be no meeting on September 2, 2002 due to the Labor Day Holiday.

**RESOLUTIONS:**

The following resolutions were approved and signed by the Board:

**#02-78                      Authorizing A Supplemental Extension In The Budget Of The  
   Grays Harbor County General Fund Sheriff's Department  
   #001-000-032**

**#02-79                      Resolution Acknowledging Vacation By Operation Of Law**

Minutes  
Board of Commissioners -- August 26, 2002  
Page Eight

**#02-80                      Resolution Authorizing Joint Representation With American  
Forest Resource Council As Intervenor-Defendant in  
Washington Trust Forest Litigation**

**ORDINANCE:**

The following ordinance was approved and signed by the Board:

**#296                      An Ordinance Amending Grays Harbor County Ordinance  
No. 197 Adjusting The Excise Tax On Radio Access Lines**

Minutes  
Board of Commissioners -- August 26, 2002  
Page Nine

The meeting adjourned at 2:50 p.m. to Monday, September 9, 2002 at 2:00 p.m.

BOARD OF COMMISSIONERS  
for Grays Harbor County  
This \_\_\_\_\_ day of \_\_\_\_\_, 2002

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BOB BEERBOWER, Chairman

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DENNIS MORRISETTE, Commissioner

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DAN WOOD, Commissioner

ATTEST:

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Sandi Daniels  
Clerk of the Board