

MINUTES

BOARD OF COUNTY COMMISSIONERS MEETING

September 16, 2002

The Commissioners met in session in the Commissioners' Meeting Room, Administration Building, Montesano, Washington, on Monday, September 16, 2002, at 2:00 p.m. Commissioners Bob Beerbower, Dennis Morrisette and Dan Wood were present. Also in attendance was Sandi Daniels, Clerk of the Board. Jim Baker, Senior Deputy Prosecuting Attorney was present.

MINUTES OF PREVIOUS MEETING: The minutes of the Commissioners' Meeting of September 9, 2002, were approved as presented.

PRESENTATION:

None

BIDS:

None

HEARINGS:

Chairman Beerbower reported the process for the public hearings as follows: (1) the 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.

Petition to Vacate: There was a public hearing to consider a petition received from Doug and Julie Truax to vacate pursuant to R.C.W. 36.87.020 the following right of way: All that portion of unopened right of way on Schafer Boom Road #62790 lying south of milepost 0.931 located in Section 9, Township 17N Range 7 W.W.M. Paul Easter, Director, Department of Public Services, reported the Department has no objection to the petition and no written testimony was received. Chairman Beerbower asked for public comment. There was no public comment and the hearing was closed. A motion was made, seconded and passed to approve **Resolution No. 02-87 – Order of Vacation, In the Matter of Vacating All Right of Way on Schafer Boom Road #62790 lying south of turnaround at milepost 0.931 located in Section 9 Township 17N Range 7 W.W.M.**

(Continued from 7/22) Petition to Appeal: This was a public hearing continued from July 22, 2002 to consider an appeal by Larry Birindelli of the decision of the Planning Commission to deny his application to rezone approximately 12 acres of land that is currently zoned Rural Residential (RR), to General Residential (R-2). Mr. Birindelli submitted a letter dated September 10, 2002, expressing his gratitude for allowing an extension of his appeal to the decision of the planning commission for a rezone. However, he now believes it is in his best interest to withdraw his appeal, based on new information and counsel. He requested that his appeal scheduled for September 16 be withdrawn.

DEPARTMENT OF PUBLIC SERVICES:

Request Approval, Set Hearing Date, Text Amendment to Comprehensive Zoning Code: A motion was made, seconded and passed to set September 30, 2002 at 2:00 p.m. as the date and time for a public hearing to consider a text amendment to Comprehensive Zoning Code Ordinance #241. In summary, the proposed text amendment would make necessary additions and corrections regarding obsolete and/or incorrect references. Additionally, it is necessary that language concerning political signage be added and that certain appeal provisions be modified to conform with the Land Use Petition Act, chapter 76.70C RCW. Also, certain clarifications regarding the nature of appeal hearings of Planning Commission actions are necessary. The Planning Commission voted to approve the text amendment in their September 3, 2002 public hearing.

Request Approval, Set Hearing Date, Text Amendment to Subdivision Ordinance: A motion was made, seconded and passed to set September 30, 2002 at 2:00 as the date and time for a public hearing to consider a text amendment to Subdivision Ordinance #111 to make necessary additions and corrections regarding Boundary Line Adjustments. Additionally, it is necessary to provide additional definitions relating to mobile home parks, recreational vehicle parks, acreage parcels and platted parcels. The Planning Commission voted to approve the text amendment in their September 3, 2002 public hearing.

Request Approval, Amendment to Engineering Agreement, HVAC Project: At last week's meeting there was discussion regarding additional work on the part of the contractor that was beyond the original scope of the jail project as bid. These additional items came to light as the project proceeded and the ceilings and all ductwork removed. These same issues have caused the Jail HVAC Project to incur additional engineering and architectural time to review, evaluate, and design the needed changes. These items include:

- ADA shower/ramp

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- Security in the control room
- Electrical service revisions (new PUD electrical service line)
- Structural issues in the walls and ceilings of the lobby and Sheriff's administrative offices.

The Project has already incurred approximately \$7,000 of additional costs and anticipate at least another \$5,000 on items currently being addressed. Therefore, they recommended that the engineering services contract be amended by \$15,000 to be utilized with their authorization to cover such added work. A motion was made, seconded and passed to amend the engineering services contract to allow them to proceed in a timely manner.

Request Approval, Award Bid, County Vehicles: A motion was made, seconded and passed to award bid for County vehicles as follows:

Pool Car	Five Star Ford	\$17,585.25
¾ ton 4 x 4 pickup	Five Star Ford	\$29,682.14
Shop truck (cab & chassis)	Pacific Utility Equip.	\$23,899.01
Utility bed (with crane)	Pacific Utility Equip.	\$25,055.56
SUV (medium 4x4)	Five Star Ford	\$33,374.99

DEPARTMENTS:

FORESTRY:

Request Approval, Acceptance of Completed Timber Contract: Lone Rock Timber Company has satisfactorily completed all the terms and conditions of the contract for the Lytle Creek No. 5 Timber Sale, TBR0101. The Department of Forestry recommended that the county accept the contract as complete and release the Performance Bond as posted by Lone Rock Timber Company for this sale. A motion was made, seconded and passed to accept the contract as complete and release the Performance Bond as posted by Lone Rock Timber Company for this sale.

Request Approval, Award of Forestry Mechanical Site Preparation Contract: The Department of Forestry recommended that the Mechanical Site Preparation Contract – PILE2002 be awarded to Valley West for a contract value of \$7,020.00. A motion was made, seconded and passed to award the Mechanical Site Preparation Contract -- PILE2002 to Valley West for a contract value of \$7,020.00.

HEALTH AND SOCIAL SERVICES:

Request Approval, Amendment to Contract w/State Department of Health: A motion was made, seconded and passed to approve an amendment to the County's contract with the State Department of Health.

The amendment:

1. Adds \$42,302 in Tobacco Prevention funding for July-December 2002.
2. Adds \$29,804 in funding for the Youth Development Program.
3. Adds \$11,500 for Family Planning Services.
4. Reduces the allocation for the Safe Drinking Water Program by \$1,089.

The contract is increased overall by \$82,553 of which \$47,540 is federal funding. All of this funding has been budgeted except for \$11,770 for Tobacco, for which a supplemental budget will be processed.

Request Approval, Extension of Agreement w/State Liquor Control Board: A motion was made, seconded and passed to approve an extension to the County's Agreement with the State Liquor Control Board. The Agreement currently ends September 30, 2002 and this extension sets the end date at October 31, 2002. No additional funding is provided.

Request Approval, Amendment to Contract w/ESD III: A motion was made, seconded and passed to approve an amendment to the County's contract with ESD 113 for prevention services. An additional \$12,730 in federal funding through the state contract is provided. The ESD will work with nine middle and senior high schools in the County to implement student team prevention plans to address reducing use of alcohol, tobacco and other drugs and underage drinking and driving.

MANAGEMENT SERVICES:

Request Approval, 2002 One-Time-Only Interlocal Agreement: A motion was made, seconded and passed to approve two copies of the 2002 One Time Only Interlocal Agreement between Grays Harbor County and the Oakville Chamber of Commerce in the amount of \$768. Funding will be used for the promotion of tourism.

The Clerk of the Board announced the following item received:

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Request Approval, RAC Recommendations: Commissioner Wood reported that approximately \$140,000 will be available in Title II and Title III funds under the Secure Rural Schools and Communities Act. The Grays Harbor Resource Advisory Committee (RAC) recommends expenditures of Title II funds to the Forest Service. Title III funds are appropriated by the county commissioners. The RAC made the following recommendations:

- Request that the county commissioners allocate \$10,000 to Title III and allocate the remainder (approximately \$130,000) to Title II.
- Appropriate the \$10,000 in Title III to the Pacific Student Resource Corps
- The remaining \$130,000 in Title II would be recommended to the Forest Service as follows:
 1. \$22,691 to the Quinault Gateway Weed Project.
 2. \$18,000 to the Stevens Creek Culvert Replacement.
 3. \$13,000 to the Culvert Replacement on the Tributary to Salmon River.
 4. \$13,000 to the O'Brien Creek Culvert Replacement.
 5. \$63,000 to the Newbury Creek Culvert Replacement.

A motion was made, seconded and passed to approve the allocation decision between Title II and Title III as recommended by the RAC.

PUBLIC COMMENT:

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

CORRESPONDENCE:

The Clerk of the Board announced the following correspondence received:

- (1) From Stanley Trohimovich, an e-mail was received on Monday, September 16, 2002, requesting that it be noted in the Commissioners' Minutes. The Clerk of the Board read from the e-mail the following:

Re: Oath of office, Wash. St. Const. Article XXVII, the congressional oath, and your official bonds.

-----Original Message-----

From: Stan Trohimovich [SMTP:ghmotors@techline.com]
Sent: Monday, September 16, 2002 1:31 PM
To: commish@co.grays-harbor.wa.us

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-----Original Message-----

From: Stan Trohimovich <ghmotors@techline.com>

To: commish@co.grays-harbor.com <commish@co.grays-harbor.com>

Cc: editor@thedailyworld.com <editor@thedailyworld.com>; vidette@olynet.com <vidette@olynet.com>; RStrabbing@co.grays-harbor.wa.us <RStrabbing@co.grays-harbor.wa.us>; agilbert@co.pacific.wa.us <agilbert@co.pacific.wa.us>; jmawhorter@co.grays-harbor.wa.us <jmawhorter@co.grays-harbor.wa.us>; vspatz@co.grays-harbor.wa.us <vspatz@co.grays-harbor.wa.us>; eprkut@co.grays-harbor.wa.us <eprkut@co.grays-harbor.wa.us>; lpatterson@thedailyworld.com <lpatterson@thedailyworld.com>; thepress@willapabay.org <thepress@willapabay.org>

Date: Monday, September 16, 2002 1:26 PM

Subject: Oath of office, Wash. St. Const. Article XXVII, the Congressional oath, and your official bonds.

Please place this email message on the agenda for the meeting of the Commissioners, which is scheduled for later on this 16th day of September, 2002. I request the message be read in full at said meeting.

Dear Commissioners and the people of Grays Harbor County:

I apologize for letting myself be distracted by Mr. Wood from my planned message. [As you know, I objected to your approval of the August payroll. By your approval, you violated your official bond's promise because Article XXVII, Section 8, requires superior court judges to qualify themselves before they can begin to execute judicial duties under the Washington state Constitution. I believe I left the point being made, which was going to be your unlawful approval of your inflated salaries and the superior court judges unauthorized [due to lack of qualification] salaries, shortly after I started quoting excerpts from Section 8. To make it easier for you to know your violation, I now quote some relevant language from Section 8 immediately below. I am certain you know false claims are criminal acts.]

"Whenever the judge of the superior court of any county ... shall have qualified the several causes then pending ... shall pass into the jurisdiction and possession of the superior court for such county.

... and until the district courts of the Territory shall be superseded in manner aforesaid, the said district courts and the judges thereof, shall continue with the same jurisdiction and powers, to be exercised in the same judicial districts respectively, as heretofore constituted under the laws of the Territory. Whenever a quorum of the judges of the supreme court ... shall have been elected and qualified, ... and until so superseded, the supreme court of the Territory and the judges thereof, shall continue with like powers and jurisdiction as if this Constitution had not been adopted."

My intent was to give you information on the simple way to balance the County's next budget. The answer lies in obeying the terms in Washington's Constitution at Article XXVII, Sections 2, 8, 14 & 16.

[This is why I objected to your unconstitutional approval of the August 2002 payroll. Each of you know or should know payrolls based on the acts of unqualified state legislators are fraudulent and

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void. YOU had notice of the fact that no legislator, since the first day of statehood (Nov. 11, 1889), has qualified him or her self to begin to execute legislative duties as commanded by

Congress in its First Act (now codified as 4 United States Code Section 101 & 102). Your own claims for pay were false to the extent said claims exceeded the pay scales authorized by the Territorial Code of 1881. The other elected County officers are also making excessive salary claims, which must be adjusted after an accounting is made and arrangements for repayment are completed. This conclusion is supported by the face of Section 2, Article XXVII. I challenge each of you to provide contrary authority.]

My objection was intended to alert you of the need to stop being an accessory to the false claims for pay, which the unqualified superior court judges have knowingly and intentionally made, since the winter of 1997-98. The claims made previously were also false, but said judges and the approving commissioners might plead lack of knowledge and the intention to make false claims. (However ignorance of the law is no excuse because each actor has promised to support the law.) Note -- In the case of the superior court judges, since they were not qualified, no payment was authorized; therefore the entire amount paid was false. Therefore, each judge owes a full refund of every benefit received by him, since his pretended qualification to begin "to execute the duties of his office." See Article XXVII at Sec. 2 concerning the laws governing Washington territory during the transition to statehood. Reread Article XXVII for yourselves with special emphasis on Sections 2, 8, 14, and 16. Do you intend to obey these lawful commands as written into the state's Constitution?

Is there any mystery as to how you can start balancing the budget without any tax increases? Will an honest scrutiny of the claims presented to you for approval measured against your subject matter jurisdiction as stated in the First Act of the First Congress [now at 4 United States Code 101 & 102] go a long way towards providing the correct answer? What are you waiting for? Do you agree that this discussion is controlled by your commitment to faithfully and truly "perform all" "duties" of your office "required by law" as each of you has promised in your PUBLIC OFFICIAL BOND? Are you willing to admit each of you has voluntarily executed an oath of office, which commits you to support each of the laws I have brought to your attention via this email? If you do, doesn't the admission make clear the path you must follow immediately in order to avoid any further violation(s) of your official bond?

As you know, I have been writing you for some time to make you aware of my message. My research, and that by other persons, proves no legislator, executive officer, and judicial officer, since the Presidential proclamation that Washington was a state, has qualified him or her self to begin to execute duties of the claimed office, since the Nov. 11, 1889 proclamation of statehood. By relying on post-Nov. 10, 1889 "legislation," it becomes very obvious you have violated Article XXVII and its subsequent reenactment[s]. Doesn't Article XXVII, as the saying goes, "speak for itself?"

I quoted the Utah statement on the requirement that state officers take two oaths. See page 1, <http://archives.utah.gov/reference/> under title "Oaths Of Office, 1903-[ongoing]." I also quoted from the New York Bar Journal [pp. 1-7, March/April 1997 Issue at <http://www.oregonfamilyrights.com>]. As you heard, I also quoted from the Washington State Courts website. See www.courts.wa.gov.

Why do you continue your pretext of wilful blindness or deliberate ignorance or both toward these facts? Haven't I been directing each of you to perform a *statutorily mandated duty*? Will you please explain any ground you may have for your continued refusal?

In closing, I ask when will you authorize the performance of the accounting to determine whether the taxes have been under or over paid on the property located at 1521 Simpson Avenue in Aberdeen?

Dated: September 16, 2002. (signed) Stanley J. Trohimovich, 1521 Simpson Avenue, Aberdeen, Ph: 533-3563.

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

- (2) A Claim for Damages against Grays Harbor County was received from Robbie Owen Bray. Chairman Beerbower referred the claim to the Claims Review Committee.

APPOINTMENT:

None

ANNOUNCEMENT:

Chairman Beerbower reported the Board would recess at 2:20 p.m. to Executive Session to discuss a personnel issue. No action would be taken. The Board reconvened at 3:27 p.m. No action was taken.

RESOLUTIONS:

The following resolution was approved and signed by the Board:

#02-87 Order of Vacation

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The meeting adjourned at 3:28 p.m. to Monday, September 23, 2002 at 2:00 p.m.

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

BOB BEERBOWER, Chairman

DENNIS MORRISETTE, Commissioner

DAN WOOD, Commissioner

ATTEST:

Sandi Daniels
Clerk of the Board