

MINUTES

BOARD OF COUNTY COMMISSIONERS MEETING

April 14, 2003

The Commissioners met in session in the Commissioners' Meeting Room, Administration Building, Montesano, Washington, on Monday, April 14, 2003, at 2:00 p.m. Commissioners Bob Beerbower, Dennis Morrisette and Al Carter were present. Also in attendance was Sandra Daniels, Clerk of the Board and Jim Baker, Prosecuting Attorney.

MINUTES OF PREVIOUS MEETING: The minutes of the Commissioners' Meeting of March 31, 2003 and April 7, 2003 were approved as presented.

BIDS

None

HEARINGS

Supplemental Appropriation, Public Health and Social Services: There was a public hearing to consider Supplemental Appropriation as follows: Public Health and Social Services Fund #001-000-029 in the amount of \$2,428.00. Chairman Morrisette asked for a staff report. Rose Elway, Budget Director provided a staff report. Ms. Elway reported that the Supplemental Budget Request for \$2,428.00 is in the General Fund Public Health and Social Services Department. A portion of the marriage license fees is designated to the Domestic Violence Program which will be carried over from the beginning fund balance for the 2003 program. Chairman Morrisette 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. 03-33 – Authorizing A Supplemental Extension In The Budget Of The Grays Harbor County General Fund Public Health And Social Services Department #001-000-029.**

Application for Variance from Subdivision Road Standards, Ordinance #190: There was a public hearing to consider an application by Gina and Randy Monroe for a variance from the required Subdivision Road Standards, Ordinance #190, for a proposed 2-lot subdivision. The applicant is requesting a variance to reduce the required built roadway width into the subdivision from 20' to +/- 17' and to reduce the requirement for a 2" gravel top course in order to gain approval of the existing, built road which varies from 20' to 17' in width, does not have a fresh top course of gravel, and is +/- ¼ mile in length. Location: The proposed subdivision and associated roadway is located at 295 Geissler Road, within the northwest quarter of Section 33, Township 18N., Range 08W., W.M., Grays Harbor County, Washington. The property is further described as Assessor's parcel 180833240050. Chairman Morrisette asked for a staff report. Jane Hewitt, with

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Grays Harbor County Planning, reported that the applicant and the Board of County Commissioners received the following information and requested that it be entered into the record:

1. Hearing date request.
2. Staff report containing findings of fact, conclusions and staff recommendations.
3. Application for variance including site plan.
4. Notice of public hearing and mailing list.
5. Personalized notice of application and public hearing to owners of subject property.
6. Written comment received to-date.
7. Affidavit of Publication from *The Vidette*.

Ms. Hewitt reported that staff recommended approval of the Findings of Fact and Conclusions for variance request, Case 2003-0295. Staff recommended approval of the applicants' request for variance, Case 2003-0295. Ms. Hewitt read into the record the following conclusions:

- I. The odd shape of the property along with the steepness of the topography and length of road required to reach the applicant's residence meet the required showings for a variance.
- II. The findings indicate that a literal enforcement of the Private Road Standards would result in an unnecessary and undue hardship. The road exceeds the Fire Apparatus Access Road standards for a driveway serving two residences. The roadway meets the 20' wide standard along most of its length. The road is substantially built and well drained. Adding 2 inches of gravel top course and/or widening the road in those places where the road is between 17'-20' would do little to improve this road compared to the expense incurred by the applicants.
- III. The findings indicate that justice could be done and the public interest secured by granting a suitable variance. The existing road exceeds the standards required by the Fire Apparatus Access Road Standards and meets the Subdivision Road standards (Ordinance #190) along most of its length. The road is adequate to serve emergency vehicles of all variety and will serve only the two private

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residences (one built and one proposed) on the property. Additional subdivision of the parcel and/or an application for a building permit for additional residences on these parcels in the future will require that the road is fully brought up to the Subdivision Road Standards.

- IV. The variance conforms to applicable sections of RCW 58.17, as granting the variance does not violate the public interest of health, safety, and welfare.

Chairman Morrisette asked for public comment. There was no public comment and the hearing was closed. A motion was made, seconded and passed to approve the application for Road Standards Variance, Case #2003-0295.

Ordinance Repealing Ordinance No. 26: There was a public hearing to consider an ordinance repealing an ordinance and county code chapter for Grays Harbor County that has been found to be unconstitutionally vague. 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 repealing Ordinance 26 and chapter 9.04 of the Grays Harbor County Code (GHCC) providing for a juvenile curfew in terms found to be unconstitutionally vague and unenforceable. Chairman Morrisette asked for a staff report. Jim Baker, Senior Deputy Prosecuting Attorney, commented that the language of the County ordinance is similar with vague terms as the one in the city of Sumner and that ordinance was found unconstitutionally vague by the Supreme Court in January 2003. Initially when the County code was evaluated one recommendation by the code evaluators was to repeal this ordinance based on unconstitutionally. Mr. Baker reported that Sheriff Whelan agrees that the appropriate avenue is to repeal Ordinance 26 and GHCC chapter 9.04 regarding juvenile curfew. Sheriff Whelan commented that for the past 26 years the Sheriff's Department has not enforced the ordinance due to unconstitutionally. Sheriff Whelan recommended approval of repealing Ordinance No. 26 and chapter 9.04. Chairman Morrisette asked for public testimony. There was no public comment and the hearing was closed. A motion was made, seconded and passed to approve **Ordinance No. 305 – An Ordinance Repealing Ordinance 26 And Chapter 9.04 Of The Grays Harbor County Code.**

Ordinance Repealing Superseded Ordinance No. 14: There was a public hearing to consider an ordinance repealing a superseded ordinance and county code chapter for Grays Harbor County. The following summary provides a brief description of the ordinance to be presented to the Board of Commissioners of Grays Harbor County for consideration:

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An ordinance repealing Ordinance 14 and chapter 5.12 of the Grays Harbor County Code (GHCC) requiring county registration and permitting of septic tank cleaners that have been superceded by GHCC chapter 8.16. Chairman Morrisette asked for a staff report. Jim Baker, Senior Deputy Attorney for Grays Harbor County, reported that Doug George has recently brought to his attention that Grays Harbor County Code chapter 5.12 requiring registration of septic tank cleaners in the county has been superceded by GHCC Title 8, and should be repealed since it is no longer used. Chairman Morrisette asked for public testimony. There was no public comment and the hearing was closed. A motion was made, seconded and passed to approve **Ordinance No. 304 – An Ordinance Repealing Ordinance 14 And Chapter 5.12 Of The Grays Harbor County Code.**

PRESENTATION

Washington State University Master Gardeners: Don Tapio, with Washington State University Cooperative Extension in Grays Harbor County, reported that today is the beginning of Washington State University Master Gardener Volunteer Week in Washington state. Mr. Tapio expressed appreciation to the Board of County Commissioners for their support of the Master Gardener Program. He presented the Board with posters of the Lawn and Garden Show held in concert with the Master Builders in Grays Harbor County. The event is scheduled for May 17 and 18 at the fairgrounds. He reported that a new class of 50 Grays Harbor County Master Gardener Volunteers graduated a few months ago. Mr. Tapio shared events that have been hosted during the past year and the numerous ways that Master Gardeners volunteer in Grays Harbor County. Mr. Tapio reported that the Washington State University Master Gardener Volunteer Program is celebrating the 30th year of service to the citizens of Grays Harbor County. Chairman Morrisette thanked Mr. Tapio and expressed appreciation and support for the Master Gardener Program. Commissioner Beerbower expressed appreciation to Nadine Sargent and all of the volunteers for their commitment. A motion was made, seconded and passed to approve a Proclamation – **Washington State University Master Gardener Volunteer Week, April 13-19, 2003.** The proclamation declares the week of April 13, 2003 through April 19, 2003 as Washington State University Master Gardener Volunteer Week.

DEPARTMENT OF PUBLIC SERVICES

Request Approval, (2) Right-of-Way Deeds, River Road West: A motion was made, seconded and passed to approve two (2) two Right-of-Way deeds for the River Road West Right of Way Dedication. These (2) two Right-of-Way deeds dedicate additional property to the County. The Department of Public Services recommended approval of the right-of-way deeds.

Request Approval, Workman Creek Road Closure: Weyerhaeuser Company has requested authorization to close Workman Creek Road between M.P. 0.475 and M.P. 1.915 from April 15 to May 15, 2003. This section of public roadway is gravel and has no residences on it. Weyerhaeuser needs the closure to cut trees leaning over the roadway as they log the adjacent property. Weyerhaeuser will cleanup the road, remove brush and debris, clean ditches and add crushed surfacing as needed. The road will be open to emergency vehicles. A map was provided showing the road closure. A motion was made, seconded and passed to approve the authorization to close Workman Creek Road between M.P. 0.475 and M.P. 1.915 from April 15 to May 15, 2003.

Request Approval, (2) Right-of-Way Deeds, Aberdeen Gardens Bridge: A motion was made, seconded and passed to approve two (2) Right-of-Way deeds for the Aberdeen Gardens Bridge, CPR #51240-01 County road project. The Department of Public Services recommended approval of the right-of-way deeds.

Request Approval, 2002 RR Crossing Program, Third Street (O'Donnel West): The Washington State Department of Transportation has notified agencies of selected projects for funding under the 2002 TEA-21 Railroad Crossing Program. The Third Street (O'Donnel West) project has been funded for closure of the crossing and build a cul-de-sac. Staff concurs with this decision, as the existing road approach is only twelve feet wide on a steep grade with limited visibility and low traffic volume (50vpd). O'Donnel Avenue to the east of this crossing, will be widened from twelve feet to twenty feet, and under the proposed countywide RR project, new RR signals and gates will be provided at the O'Donnel Street crossing, at the mill site. The Department of Public Services requested concurrence to make these changes. A motion was made, seconded and passed to approve the project prospectus and 3 copies of the local Agency Agreement for this project. The Department of Public Services recommended these items be executed so that federal funds can be authorized for preliminary engineering.

Request Approval, 2002 RR Crossing Program, Countywide Project: The Washington State Department of Transportation has notified agencies of selected projects for funding under the 2002 TEA-21 Railroad Crossing Program. There are ten projects countywide selected that involve only railroad construction, which includes crossing signals, gates, circuitry and concrete tub materials. WSDOT Local Programs and the other local agencies, Aberdeen (two crossings), Port of Grays Harbor (one crossing), Montesano (one crossing), and Elma (two crossings) have requested Grays Harbor County to be the CA agency to administer this federally funded project. It is felt that coordination between the railroad (PSPRR) and a single agency will result in a more economical and easily administered project. Both preliminary engineering and construction are 100% federally funded, which also facilitates project administration. A motion was made, seconded and passed to approve the project prospectus and 3 copies

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of the local Agency Agreement for this project. The Department of Public Services recommended these items be executed so that federal funds can be authorized for preliminary engineering.

Request Approval, Award Bid, Olympic View Drive Construction Project: A motion was made, seconded and passed to award the bid for the Satsop Development Park/Olympic View Drive Construction, M.P. 0.0 to M.P. 0.5, C-96350-01, TA 1728, Fed. Aid No. TCSP-TCSP(004) to C.A. Goodman Construction Co. Inc., of Milton, Washington. The lowest responsive bid of \$826,819.49 was submitted by C.A. Goodman Construction Co. Inc., of Milton, Washington. This bid is 18.24% below the Engineer's Estimate. The Department of Public Services recommended the contract be awarded to C.A. Goodman Construction Co. Inc. of Milton, Washington.

DEPARTMENTS

PUBLIC HEALTH AND SOCIAL SERVICES

Request Approval, Agreement w/Chehalis-Douglas Regional Support Network: A motion was made, seconded and passed to approve an Agreement between the County and the Chelan-Douglas Regional Support Network. For approximately \$18,750 through December 31, 2003, Chelan-Douglas RSN will use a portion of their information services staff to assist in a transition to a new mental health data reporting system that is mandated by the state. State mental health contract funds will be used.

The Clerk of the Board announced the following item received after the agenda was prepared:

Request Approval, Criminal Justice Treatment Account Application: A motion was made, seconded and passed to approve the Criminal Justice Treatment Account application. This funding is intended to offer chemical dependency treatment services to offenders who are below 200 percent of the federal poverty level and for those who voluntarily seek treatment services in hopes of preventing future incarcerations from their involvement with alcohol and other drugs.

MANAGEMENT SERVICES

Request Approval, Budget Transfer – Auditor's M & O Fund: A motion was made, seconded and passed to approve **Resolution No. 03-34 – Transferring Items In The Grays Harbor County Miscellaneous Fund Auditor's M & O.** This resolution authorized the transfer for \$10,000 from the ending fund balance to recordings

professional services. The funds will be used for conserving deteriorating record books back to 1884. Rose Elway, Budget Director has reviewed the request and funds are available for this transfer. Ms. Elway recommended the resolution be executed.

Request Approval, County Policy & Procedures (HIPAA): A motion was made, seconded and passed to approve **Resolution No. 03-35 – Adopting Policy and Procedures Related to Confidentiality of Grays Harbor County Employees Personal/Protected Healthcare Information.** The Grays Harbor County’s HIPAA Policy and Procedures is written for the administration of county employee benefits. These policies and procedures implement HIPAA requirements dealing with employee privacy rules for the confidentiality of Personal/Protected Healthcare Information (PHI) per U.S. Department of Health and Human Services regulation 45 CFP parts 160 and 164. The policy and procedures outline how the county is authorized to maintain, use or disclose PHI and sets out the process and exclusions to provide for compliance with current laws. Senior Deputy Prosecutor Jim Baker has reviewed the policy and procedure documents and his suggestions have been incorporated so the document conforms to the requirements of HIPAA regulations. The policy designates in Section XX the appropriate officials who are authorized and designated as employee protected health information (PHI) privacy handlers in the administration of county employee benefits.

FAIR

Request Approval, Authorization to Sign Entertainment Contracts: A motion was made, seconded and passed to approve entertainment contracts with “Jerry Owens & West Coast Band”, “International Championship Wrestling”, “JP Patches”, and “The Marshall Tucker Band”. Jerry Owens and West Coast are a versatile country band with super pickers. They are West Coast favorites and have appeared or played for numerous artists such as Buck Owens, Oak Ridge Boys, Hank Thompson, and Lousie Mandrell. Jerry Owens and West Coast will perform on Saturday, August 9th. Total contract price is \$700.00.

Wrestling fans can delight in seeing the slam bang action of live, family oriented pro wrestling coming to the Grays Harbor Fair on Sunday, August 10th. Total contract price is \$1,200.00.

JP Patches has been entertaining his Patches Pals in the Pacific Northwest for 40 years. Patches is still on the go and meeting new Patches Pals as well as reminiscing with his forever-loyal fans. JP Patches will appear on Sunday, August 10th. Total contract price is \$575.00

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Grays Harbor County Fair is excited to bring the Marshall Tucker Band to the Les Schwab stage for a free show on Thursday, August 7. After nearly 30 years, The Marshall Tucker Band continues to be played on classic rock and country radio, and they have never stopped touring. With hit singles like “Heard It In A Love Song”, “Fire On The Mountain”, “Can’t You See”, and “Take The Highway”, The Marshall Tucker Band earned seven gold and three platinum albums. Total contract price of \$10,000 will be shared by the Fair and sponsors.

PROCLAMATION

A motion was made, seconded and passed to approve a proclamation – **National Public Safety Telecommunications Week, April 13-19, 2003**. The proclamation declares the week of April 13 through 19, 2003 to be National Telecommunications Week in Grays Harbor County in honor of the men and women whose diligence and professionalism keep our city and citizens safe.

ANNOUNCEMENT:

None

PUBLIC COMMENT

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

CORRESPONDENCE

The Clerk of the Board announced the following correspondence received:

An e-mail received from Stan Trohimovich dated April 7, 2003 regarding Final Request for an Accounting and Notice of Probable Violation of Official Bonds. The e-mail was placed on file and available to anyone who would like to read it or would like a copy of it.

APPOINTMENT

None

STAFF MEETINGS

The Board held staff meetings on Monday, April 14, 2003, starting at 9:00 A.M. These staff meetings are public meetings, held in the Commissioners’ Conference Room. The

purpose is for information and discussion only. No decisions are made, nor any action taken at staff meetings. The Commissioners and Clerk of the Board reviewed calendars and pending daily office issues. The Board met with the Public Services Director, the Director of Management Services and the County Auditor. Staff meetings will be held during the week.

RESOLUTIONS

The following resolutions were approved and signed:

- #03-33 Authorizing A Supplemental Extension In The Budget Of The
Grays Harbor County General Fund Public Health And Social
Services Department #001-000-029**
- #03-34 Transferring Items In The Grays Harbor County
Miscellaneous Fund, Auditor's M & O**
- #03-35 Adopting Policy And Procedures Related To Confidentiality
Of Grays Harbor County Employees Personal/Protected
Healthcare Information**

ORDINANCES

The following ordinances were approved and signed:

- Ordinance #304 An Ordinance Repealing Ordinance 14 And Chapter 5.12 Of
The Grays Harbor County Code**
- Ordinance #305 An Ordinance Repealing Ordinance 26 And Chapter 9.04 Of
The Grays Harbor County Code**

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The meeting adjourned at 2:50 p.m. to Monday, April 21, 2003 at 2:00 p.m.

BOARD OF COMMISSIONERS
for Grays Harbor County
This _____ day of _____, 2003

BOB BEERBOWER, Commissioner, District 1

DENNIS MORRISETTE, Chairman

ALBERT A. CARTER, Commissioner, District 3

ATTEST:

Sandra Daniels
Clerk of the Board