

MINUTES

BOARD OF COMMISSIONERS – GRAYS HARBOR COUNTY REGULAR MEETING

September 25, 2006

The Commissioners met in regular session in the Commissioners' Meeting Room, Administration Building, Montesano, Washington, on Monday, September 25, 2006, at 2:00 p.m. Commissioners Bob Beerbower, Mike Wilson and Al Carter were present. Also in attendance was Donna Caton, Clerk of the Board. Jim Baker, Senior Deputy Prosecuting Attorney was present.

CALL TO ORDER AND FLAG SALUTE

Chairman Beerbower called the meeting to order with the pledge of allegiance.

MINUTES

September 18, 2006: The minutes of the Commissioners' Meeting of September 18, 2006 were approved as presented.

Chairman Beerbower announced the following item added after the agenda was prepared:

PROCLAMATION

Don Tapio, WSU Extension Agent for Grays Harbor County, provided an update on current activities in the agricultural community. Mr. Tapio provided samples of the first test pods of canola being grown through Washington State University in the Brady area. It is being evaluated as a potential crop for production in Grays Harbor County and three varieties are being tested. There are plans to harvest the crop on Wednesday and the seeds will be taken to Mt. Vernon where they will be dried and evaluated for the oil content. Mr. Tapio provided agricultural statistics for Grays Harbor County. He reported that on September 28th the Montesano Chamber of Commerce would host the 36th Annual Farm City dinner. Mr. Tapio announced that the Farm Tour will be held on October 14th and 15th and will be held in conjunction with the Cranberry Festival in Grayland. The tour will showcase local cranberry bogs. Mr. Tapio summarized and thanked the Board of Commissioners for their support of the agricultural community during the year and for proclaiming Grays Harbor County Harvest Celebration. A motion was made, seconded and passed to approve the Grays Harbor County Proclamation proclaiming September 25th through October 1st, 2006, as Grays Harbor County Harvest Celebration.

BIDS

1. Accept Proposals for Indigent Defense Contracts and Award Contract(s):

Stew Menefee, Prosecuting Attorney, reported that the proposals are for two partial Indigent Defense contracts for the District Court system. These two new contracts will result in five full-time Indigent Defense attorneys for the District Courts for the year of 2006. Four contracts had previously been awarded and all of those have completed their caseloads. In order to cover the District Court from October through the end of the year an additional position is being added and will be split in half. The two contracts considered at this time are for a partial 150 cases from October 1, 2006. Mr. Menefee reported that applications have been received from the Darst Law Firm, Kathryn Davis Delaney, attorney at law, and from Michael Jordan and James B. Feldman, attorneys at law. Mr. Menefee reported that the Darst Law Firm has a current contract and they have three attorneys at the firm. They are requesting an additional contract. They are located in Montesano and have been working with the court. Kathryn Davis Delaney is currently working with Superior Court Indigent Defense and is located in Olympia. Michael Jordan and James Feldmen have completed District Court and Municipal Court defense work. Mr. Jordan has held the District Court contract for Grays Harbor County. Mr. Jordan and Mr. Feldman are located in the Tacoma area.

Mr. Menefee recommended that the Board accept and award one contract to the Darst Law Firm and the second contract to Kathryn Davis Delaney. The recommends are based on their history of work and on their location. Mr. Menefee reported that due to the time period and that they are partial contracts they are set at a higher rate than previously for a full one-year contract. The new contracts are at \$5477 per month for three months and the caseloads for each contract is 150 cases. A motion was made, seconded and passed to accept and award the Indigent Defense Contracts to the Darst Law Firm and to Kathryn Davis Delaney as recommended.

HEARINGS

1. Consider Ordinance – Apprentices on Public Works Projects: There was a public hearing to consider an ordinance adding a new chapter to Title 2 of the Grays Harbor County Code, requiring use of apprentices on public works projects. A brief description of proposed findings and ordinance to be presented to the Board of Commissioners was included in the advertisement. Notice of this hearing was advertised in *The Montesano Vidette* on September 14, 2006.

Chairman Beerbower asked for public comment. Paul Harris, resident of 10 Miller Lane, Montesano, Washington, provided a history involving this issue and the use of

apprentices on public works projects. Mr. Harris spoke in support of the proposed ordinance.

Rob Maurer, resident of 398 Reynolds, Tenino, Washington, commented on being an apprentice. Mr. Maurer explained that he learned his skill as an apprentice and spoke in support of the proposed ordinance.

Louis Smith, II, resident of 767 South 70th Street, Tacoma, Washington, reported on the benefits of serving as an apprentice and expressed support of the proposed ordinance.

James Harkcom, 4115 15th Avenue NE, Apt. F, Lacey, Washington, spoke on the advantages of working as an apprentice and asked for support of the proposed ordinance.

Sharry Barry, 811 Bluff Avenue, Hoquiam, Washington, provided background on how she became involved with the apprentice training program and how it benefited her. Ms. Barry expressed support for the proposed ordinance.

Jim Hewitt, 436 Pioneer Avenue East, Montesano, Washington, reported that he is the president and managing partner of Coastal Construction Group, an electrical contracting firm established in Aberdeen approximately four years ago. Mr. Hewitt reported that the company is affiliated with IAC, an apprenticeship training program. He discussed benefits of the apprenticeship program and believes the need for the apprenticeship program is imperative but does not believe the approach currently taken is the correct one. He stated that until the apprenticeship program is offered locally the common good of the community and its residents is not being served.

Van Collins, District Manager, Associated General Contractors (AGC), 942 Pacific Avenue, Tacoma, Washington, reported that AGC consists of approximately 500 members. Mr. Collins spoke in opposition of mandated apprenticeship quotas for Grays Harbor County public works projects. He commented that AGC membership includes both union and open shop contractors and neither is served by the proposed legislation. Mr. Collins submitted a letter and an attachment listing items to consider and suggested questions to be asked regarding apprenticeship utilization quotas. He outlined the items included in the attachment. Mr. Collins commented the reason to implement the apprenticeship program is to increase apprenticeship.

John Quigg, 320 “L” Street, Hoquiam, Washington, reported that he is president of Quigg Brothers. Mr. Quigg reported that contractors live and work in Grays Harbor County and it is in their best interest to provide training. Training makes them more efficient and more productive and profitable. The proposed ordinance does not recognize that training and college training is not recognized under the proposed program. Mr. Quigg reported that there is a shortage of skilled labor and summarized that this is a healthy discussion.

He stated that this is a complex issue and Grays Harbor County does not need to be the pioneer in this area. He recommended that the Board conduct more research and information before making a decision.

Don McLeod, 2728 Simpson Avenue, Aberdeen, Washington, reported that he resides in Chehalis, Washington. Mr. McLeod spoke in favor of the proposed ordinance. He discussed the guidelines for the apprenticeship program training and commented that the apprenticeship program creates positions for training opportunities and not employment opportunities.

David Johnson, 8118 199th Avenue Ct E, Washington, spoke in support of the proposed ordinance. Mr. Johnson reported that he represents the Washington State Building and Construction Trades Council and is a member of the Washington State Apprenticeship and Training Council. He provided an informational sheet and outlined statistics supporting the apprenticeship program.

Brandon Houskeeper, 1211 State Avenue NE, Olympia, Washington, reported that he represents Olympia Master Builders. Mr. Houskeeper outlined areas of concern that he believes would have a negative impact on the building trade, the local citizens and the local economy. Mr. Houskeeper summarized and stated that the Olympia Master Builders and their membership are opposed to the proposed ordinance requiring apprentices on public works projects.

Andy Bednerik, 515 Airport Way, Hoquiam, Washington, reported that he is one of the owners of Jack Root Construction Company in Hoquiam. Mr. Bednerik reported that they are subcontractors for companies such as Quigg Brothers and how the proposed apprenticeship program would impact their business. He explained that it would be difficult for their small company to support an apprenticeship program.

Matt Scherer, 238 Camp Creek, Montesano, Washington, reported that he is testifying on behalf of Quigg Brothers. Mr. Scherer outlined his experience involving an apprenticeship program and how it did not work for him. Mr. Scherer asked that additional consideration be given before approving the proposed ordinance.

Frank Scherer, 6724 Grange Road, Montesano, Washington reported that he has been employed with Quigg Brothers since 1973. Mr. Scherer stated that they recognize the need for training and they provide in house training. He explained that adopting the proposed ordinance would have a negative impact on their business.

Matt Zepeda, 2811 Allen Road, Olympia, Washington, reported that he is a partner with Quigg Brothers. He outlined his work experience with Quigg Brothers and the training offered with the company. Mr. Zepeda spoke in opposition to the proposed ordinance.

He reported that the ordinance is too restrictive as it is proposed and would have a negative impact on companies such as Quigg Brothers.

John Bergesan, 34 Fern Lane, Montesano, Washington reported that he is a Forman for Quigg Brothers. Mr. Bergesan reported that there are other methods of training that are not recognized by the program as it is presented. He stated that Quigg Brothers has a successful training program.

Rick Hadley, 700 Third Avenue, Aberdeen, Washington, reported that he is controller of Quigg Brothers. Mr. Hadley reported that Quigg Brothers is an open-shop contractor. He commented on how the apprenticeship issue may become a compliance situation regarding bidding. He reported that he did research regarding the apprenticeship issue and what it would mean to Quigg Brothers. For Quigg Brothers to comply with the apprenticeship program could be taxing for employees with regard to travel requirements. Mr. Hadley addressed skill standards as compared to Quigg Brothers employees. He outlined their training program guidelines. Mr. Hadley requested that the Board take time and do research involving the proposal and make the best possible decision for Grays Harbor County and its citizens.

Ed Coyle, 1105 East Market, Aberdeen, Washington, reported that he owns Coyle Construction, a small construction company. Mr. Coyle reported the PUD has recently adopted their ordinance for the apprenticeship program. If the apprenticeship program had been in effect for the latest PUD call for bids there would have been only one bidder for the job.

Les Heimgartner, 199 South Sixth Street, Montesano, Washington, reported that he is an electrician by trade. Mr. Heimgartner suggested a review of the wording regarding the access for the people entering apprenticeship programs. He commented that people are at a disadvantage if not under a certified program. Mr. Heimgartner stated that as a taxpayer he is opposed to restrictive language included in the bidding process.

Dean Wilson, 136 South First Street, Montesano, Washington, reported that he is the president of KD&S Environmental. Mr. Wilson commented on the handling of hazardous material as it relates to the apprenticeship program. He commented that one-size does not fit all. He recommended that a decision be made based on Grays Harbor County and not what other counties have done.

Steven Friederich, reporter for the *Daily World*, commented that there was not a staff report and he requested that the Board briefly state the proposal that is being considered for approval. Chairman Beerbower reported that a summary of the proposed ordinance was published in the legal notice. The Clerk of the Board read the following as published in the legal announcement:

Whereas, a requirement that apprentices be used in public works contracts would advance in which the cost is estimated to exceed five hundred thousand dollars or more shall require that no less than fifteen percent of the labor hours be performed by state indentured apprentices.

A full text of the proposed ordinance was available at the County Commissioners Office, Montesano, Washington and was available to be mailed upon request.

There was no additional public comment.

For the record written comment was received from the following: Van A. Collins, District Manager, Associated General Contractors of Washington. Brandon Houskeeper, Olympia Master Builders, Government Affairs Director. Larry Bledsoe, P.E., Public Works Director, City of Aberdeen. Sean Coleman, Project Manager, Bruch and Bruch Construction. Mark Rice, President, Neilton Landscaping Inc. Amy Brackenbury, Building Industry Association of Washington. Russell Esses, P.E., Fred Becker, P.E., Roger Stein, P.E., and Ron Merila, P.E., Grays Harbor County and Paul Harris and David Johnson

Action Taken: A motion was made, seconded and passed to continue the hearing to October 23, 2006 to allow additional comments and time for review.

2. Consider Suspension of Grays Harbor County Drainage District 2: There was a public hearing to consider that Grays Harbor County has by resolution initiated suspension of Grays Harbor County Drainage District pursuant to R.C.W. 85.38.220 to determine if suspension of the operations of Grays Harbor County Drainage District 2 is in the public interest. Jim Baker, Senior Deputy Prosecuting Attorney, reported that on August 28, 2006 the Board held a public hearing to consider an ordinance dissolving Grays Harbor County Drainage District No. 2, pursuant to procedures prescribed by Chapter 36.96 of the Revised Code of Washington. The deadline for making a decision to dissolve a Drainage District must be taken prior to September 1, 2006. Because action was not taken by the deadline, the alternative is for the Board to consider suspending operation of the Drainage District. If the Board finds that it is appropriate to suspend the operation of the Drainage District the County Board of Commissioners would assume the role of the Drainage District Commissioners and operate the district until such time as the district is able to function on its own. The Board of County Commissioners would have the authority to hire contractors to clean ditches and perform other duties as necessary. Notice of this hearing was advertised in *The Montesano Vidette* on September 14, 2006.

Chairman Beerbower asked for public comment. Margaret Fillo reported that she testified in August and has talked with Al Carter. Ms. Fillo stated that everybody she talked to wants the Drainage District. She believes it would not be good if the district is dissolved.

Donna Hagen 354 Monte Brady Road, Montesano, Washington, reported that they desperately need to have the ditch cleaned out and the district maintained. Ms. Hagen commented that because of the water they are unable to access their fields. She requested that the Drainage District remain active and stated that they are willing to increase the amount of payment into the fund if needed.

Tom Johnson, 171 Foster Road, reported that he lives at the end of the drainage ditch. Mr. Johnson reported that if the drainage ditch along the road were not cleaned on a regular basis there would be road problems. He urged the Board to maintain the ditches.

There was no additional public comment and the hearing was closed.

Action Taken: A motion was made, seconded and passed to approve Resolution No. 2006-94 – Resolution Proposing Action To Suspend Operations Of Grays Harbor County Drainage District No. 2.

PRESENTATION

None

COMMISSIONERS

- 1. Set Hearing Date Regarding Proposed Changes to Grays Harbor County Code Chapter 15.16:** October 9, 2006 at 2:00 p.m. is the date and time set for public hearing to consider an ordinance amending Chapter 15.16 of the Grays Harbor County Code to make text corrections and changes regarding appeals of final orders, decisions or determinations of the building official, fire marshal and Building Codes Advisory Council.
- 2. Set Hearing Date Regarding Proposed Changes To Grays Harbor County Code Chapter 16:** October 9, 2006 at 2:00 p.m. is the date and time set for public hearing to consider an ordinance amending Sections 16.16.250, 16.20.310, 16.36.010 and 16.36.190 of the County Code to bring monument placement in accordance with state law, make text corrections to increase clarity and consistency with other code provisions.

DEPARTMENTS

MANAGEMENT SERVICES

- 1. Request Approval, Washington State University Cooperative Extension Memorandum of Agreement – Appendix A Amendment:** A motion was made, seconded and passed to approve an amendment to the Washington State University Extension Office to reduce funds by \$72,485 due to the GEAR UP program ending and an adjustment to the original MOA.
- 2. Request Approval, Set Hearing Emergency Budget in the Coroner's Office:** October 9, 2006 at 2:00 p.m. is the date and time set for a public hearing to consider an emergency budget request in the amount of \$18,967 for the Coroner's Office due to an increase in the number of autopsies. This amount should be sufficient to cover the remainder of 2006.

PUBLIC HEALTH & SOCIAL SERVICES

- 1. Request Approval, Surplus Equipment:** A motion was made, seconded and passed to approve a request to declare surplus and donate to Evergreen Counseling Center for the Mental Health Clubhouse the following:

2 file cabinets

The total value of these items is less than \$500 due to age and condition. The Department no longer has use for this equipment and the Clubhouse is in need of office furniture.

- 2. Request Approval, Agreement with DSHS Mental Health Division – Federal Block Grant Funding:** A motion was made, seconded and passed to approve an Interlocal Agreement between the County and the DSHS Mental Health Division for Federal Block Grant Funding October 1, 2006 – September 30, 2007. This money will be used to support training for Mental Health Clubhouse staff, board, and consumers, as well as to provide flexible support funds for non-Medicaid consumers.
- 3. Request Approval, Amendment to Agreement with Evergreen Counseling Center:** A motion was made, seconded and passed to approve an Agreement to the County's contract with Evergreen Counseling Center. This Amendment extends the contract through June 30, 2007 and adds commensurate funding.
- 4. Request Approval, Amendment to Agreement with Behavioral Health Resources:** A motion was made, seconded and passed to approve an Amendment to the

County's contract with Behavioral Health Resources. This Amendment extends the contract through June 30, 2007 and adds commensurate funding.

PUBLIC SERVICES

1. **Request Approval, Award Bid on Three 1-Ton Cab and Chassis with Utility Beds, 2007 Model Year:** A motion was made, seconded and passed to award the bid of thirty one thousand two-hundred forty-nine dollars and thirty-two cents (\$31,249.32) each for 1 ton, cab and chassis with utility beds, 2007 model year submitted by Five Star Ford Lincoln Mercury.

2. **Request Approval, Award Bid on One Broom-Vac Truck, Current Year Model:** A motion was made, seconded and passed to award the bid for one Broom-Vac Truck, current year model to Titan Sales Group in the amount of one hundred sixty-three thousand two hundred eighty-three dollars and ninety-one cents (\$163,283.91).

Paul Easter, Director of Public Services, reported that the Department is pleased to announce they have hired a new planner. Former employee and planner, Curt Crites, will be filling a senior-planning role. This will result in three well-qualified senior planners needed in the Planning and Building Division. Mr. Easter thanked the current staff for their work in meeting the demands of the division. He expressed appreciation to the Board of Commissioners for their support of the Public Services Department.

ANNOUNCEMENT(S)

None

CORRESPONDENCE

None

PUBLIC COMMENT

Chairman Beerbower asked for public comment. Ron Armstrong, resident of 2633 US Highway 101, Hoquiam, Washington, asked for the current status on changes in road standards. Jim Baker, Senior Deputy Prosecuting Attorney, reported that he had completed his review and it was sent back to Planning and Engineering. Brian Shea, Planning and Building Division Director stated that the proposed ordinance had been prepared to make changes in road standards as well as to fire and access road standards. A final review of the proposed changes must be completed by the Engineering Department. Mr. Shea stated that a public hearing could be scheduled as soon as next week.

There was no additional public comment.

STAFF MEETINGS

The Board held staff meetings on Monday, September 25, 2006, starting at 9:00 a.m. These staff meetings are advertised public meetings, held in the Commissioners' Conference Room. The Commissioners and Clerk of the Board reviewed calendars and pending daily office issues. The Board met with Maryann Welch, Director of Public Health and Social Services, Paul Easter, Brian Shea and Kevin Varness, Department of Public Services.

RESOLUTIONS

No. 2006-94 Resolution Proposing Action To Suspend Operations Of Grays Harbor County Drainage District No. 2

ORDINANCES

None

INTERLOCAL AGREEMENTS

None

The meeting adjourned at 3:54 p.m. to Monday, October 2, 2006 at 2:00 p.m.

BOARD OF COMMISSIONERS
For Grays Harbor County
This _____ day of _____, 2006

BOB BEERBOWER, Chairman
Commissioner, District 1

MIKE WILSON, Commissioner, District 2

ALBERT A. CARTER, Commissioner, District 3

ATTEST:

Donna Caton
Clerk of the Board