

## **MINUTES**

### **BOARD OF COMMISSIONERS – GRAYS HARBOR COUNTY REGULAR MEETING**

**December 17, 2007**

The Commissioners met in regular session in the Commissioners' Meeting Room, Administration Building, Montesano, Washington, on Monday, December 17, 2007, at 2:00 p.m. Commissioners Bob Beerbower, Al Carter and Mike Wilson were present. Jim Baker, Senior Deputy Prosecuting Attorney was present. Also in attendance was Donna Caton, Clerk of the Board.

#### **CALL TO ORDER AND FLAG SALUTE**

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

#### **MINUTES**

**December 10, 2007:** A motion was made, seconded and passed to approve the minutes of December 10, 2007.

#### **BIDS**

##### **1. Defense contract proposals, recommendations, and award of contracts:**

Prosecuting Attorney Stew Menefee, reported that the proposals were for District Court and Juvenile Court defense contracts. The advertisement was for six District Court contracts and eight contracts were received. Contracts were received from Attorneys Kyle Imler, Therese Wheaton, Amanda Kleespie, Brett Colacurcio, Harold Karlsvik, Robert Ehrhardt, Sean Taschner, Pamela Hartman and Katherine Davis-Delaney. The District Court judges recommended contracts be awarded to Kyle Imler, Therese Wheaton, Harold Karlsvik, Robert Ehrhardt, Sean Taschner and Pamela Hartman. The contracts are for \$2,938.50 per month and for a caseload of 300 cases per contract. Juvenile Defense contracts were received from Kyle Imler and the Wheaton Law Firm. Both contracts were submitted at \$4,500 per month. The Superior Court presiding judge recommended that the Juvenile Court Defense contract be awarded to Kyle Imler. The Juvenile Defense Conflict contract to cover cases where the original defender has a conflict of interest is a \$1,000 per month contract. Contract proposals were received from the Wheaton Law Firm and Sean Taschner. It was recommended that the Juvenile Defense Conflict contract be awarded to the Wheaton Law Firm. The Juvenile Court Guardian Ad Litem contract was bid at \$5,800 per month by Britton Buckley and \$5,500 per month by Tamara Darst. The Superior Court judge recommended that the Juvenile Court Guardian Ad Litem contract be awarded to Tamara Darst. A motion was made, seconded and passed to award the defense contracts as recommended.

**HEARINGS:**

**1. Appeal of SEPA Determination – Brogan & Anensen:** The Clerk of the Board announced that this was a continued hearing on an appeal of State Environmental Policy Act (SEPA) Determination, Grays Harbor County SEPA Appeal Case 2007-2295 by Brogan & Anensen. The proposal is located north of the Elma-Hicklin Road on the property having Grays Harbor County Assessor's Tax Parcel Number 180502230010 in the Southwest Quarter of the Northwest Quarter of the Southwest Quarter of Section 2, Township 18 North, Range 5 West, W.M. near the City of McCleary, Grays Harbor County, Washington. Notice of this hearing was published in the *Montesano Vidette* on November 15 and 22, 2007. The applicant requested that this hearing be continued to January 14, 2008.

**ACTION:** A motion was made, seconded and passed to continue this hearing to **January 14, 2008.**

**2. Appeal of SEPA Determination – Civil Investments, LLC:** The Clerk of the Board announced that this was a continued hearing on an appeal of State Environmental Policy Act (SEPA) Determination, Grays Harbor County SEPA Appeal Case 2007-2294 by Civil Investments, LLC. The proposal is located north of the Elma-Hicklin Road on the property having Grays Harbor County Assessor's Tax Parcel Number 180502230020 in the Southwest Quarter of the Northwest Quarter and the Northwest Quarter of the Southwest Quarter of Section 2, Township 18 North, Range 5 West, W.M. near the City of McCleary, Grays Harbor County, Washington. Notice of this hearing was published in the *Montesano Vidette* on October 18 and 25, 2007. The applicant requested that this hearing be continued to January 14, 2008.

**ACTION:** A motion was made, seconded and passed to continue this hearing to **January 14, 2008.**

**3. Closeout of CDBG grant No. 05-64005-036 – NeighborWorks:** There was a public hearing to review closeout documents for the Office of Community Trade and Economic Development CDBG contract No. 05-64005-036. The county was awarded a \$400,000 CDBG General Purpose grant to conduct a comprehensive, county-wide housing rehabilitation program and financial counseling program. The sub-recipient for the project was NeighborWorks of Grays Harbor County. Documents were available for review at Grays Harbor County Department of Public Services, 100 West Broadway, Suite 31, Montesano, between the hours of 8:00 a.m. and 5:00 p.m. Written comments could be submitted in writing to the Board of County Commissioners at 100 West Broadway, Montesano, Washington before the 2:00 p.m. meeting on December 17, 2007. Questions regarding the CDBG Program could be answered in advance of the public hearing by calling Lee Napier, Deputy Director of Community Development, at (360) 249-4222. Notice of this hearing was published in the *Montesano Vidette* on December 6, 2007.

Chairman Carter asked for a staff report. Lee Napier reported that this is a closeout hearing for the Office of Community Trade and Economic Development (CDBG) contract No. 05-64005-036. Ms. Napier stated that the grant was for a county-wide housing rehabilitation program and financial counseling services. The project has been completed and the request is to close-out the CDBG grant No. 05-64005-036 – NeighborWorks.

Chairman Carter asked for public comment. There was no public comment and the hearing was closed.

**ACTION: A motion was made, seconded and passed to approve the Community Development Block Grant Grantee (CDBG) Closeout Performance Report, Grant No. 05-64005-036 as presented.**

4. **Supplemental Budget – District Court:** There was a public hearing to consider Supplemental Budget Hearing in the District Court Fund #001-000-024 in the amount of \$2,000. Notice of this hearing was published in the *Montesano Vidette* on December 6 and 13, 2007. Chairman Carter asked for a staff report. Mallin Shelton from District Court reported that the supplemental budget request is in the amount of \$2,000 for the District Court Office. Revenue generated from the surcharges on civil filing fees will be used for the increase in the Dispute Resolution Contract for the Mediation and Settlement Center.

Chairman Carter asked for public comment. There was no public comment and the hearing was closed.

**ACTION: A motion was made, seconded and passed to approve Resolution No. 2007-137 – Authorizing a Supplemental Extension in the Budget of the Grays Harbor County General Fund District Court #001-000-024.**

5. **Emergency Budget, Superior Court Fund:** There was a public hearing to consider Emergency Appropriation in the Superior Court Fund #001-000-033 in the amount of \$101,550. Notice of this hearing was published in the *Montesano Vidette* on December 6 and 13, 2007. Chairman Carter asked for a staff report. Judge Godfrey reported that the emergency budget request is in the amount of \$101,550 and is due to a shortfall in attorney fees for representation of indigent defendants and to cover the judges' salaries and Court Commissioner salaries for the remainder of the year. The Washington Citizens' Commission on Salaries granted raises to the judges which was effective September 1, 2007.

Chairman Carter asked for public comment. There was no public comment and the hearing was closed.

**ACTION: A motion was made, seconded and passed to approve Resolution No. 2007-138 – Authorizing an Emergency Appropriation in the Budget of the Grays Harbor County General Fund Superior Court Fund #001-000-033.**

6. **Emergency Budget, Civil Service Commission:** There was a public hearing to consider Emergency Appropriation in the Civil Service Commission Fund #001-000-013 in the amount of \$2,720. Notice of this hearing was published in the *Montesano Vidette* on December 6 and 13, 2007. Chairman Carter asked for a staff report. Pansy Bray, Civil Service Examiner reported that the emergency budget request is for the Civil Service Office in the amount \$2,720 in Professional Services to cover expenses needed to perform testing of civil service positions for the remainder of the year.

Chairman Carter asked for public comment. There was no public comment and the hearing was closed.

**ACTION: A motion was made, seconded and passed to approve Resolution No. 2007-139 – Authorizing an Emergency Appropriation in the Budget of the Grays Harbor County General Fund Civil Service Commission #001-000-013.**

**CONVENE AS DRAINAGE DISTRICT 2:**

1. **Hearing – Assessment Roll for Collection in 2008:**

The Board of County Commissioners recessed from their regular meeting and convened as Drainage District 2 to consider adoption of the Grays Harbor County Drainage District 2 Assessment Roll for collection in 2008 pursuant to RCW 85.32.060. Copies of the Proposed 2008 Annual Assessment roll were available for study in the office of the Grays Harbor County Commissioners, 100 West Broadway, Suite 1, Montesano, Washington. Notice of this hearing was advertised in the *Montesano Vidette* on November 15, 22 and 29, 2007.

Chairman Carter asked for a staff report. Paul Easter, Director of the Department of Public Services provided an overview of the Grays Harbor County Drainage District 2. He reported that the Board of County Commissioners, serving as Commissioners for Grays Harbor County Drainage District 2, have fixed and determined the assessment roll for collection in 2008. Notice of this hearing was published in the *Montesano Vidette* and was mailed to property owners within Drainage District 2 and posted in the District in three locations. A copy of the assessment roll for collection in 2008 was provided to the public and was made a part of the proposed resolution. Gordy Bagnell from Bowers Construction provided a status report regarding the project.

Chairman Carter asked for public comment. Dick Jacobs spoke in support of the project and requested that Grays Harbor County Drainage District 2 be enlarged and include Greenhead Farms. There was no additional public comment and the hearing was closed.

**ACTION: A motion was made, seconded and passed to approve Drainage District 2 Resolution No. 2007-02 -- A Resolution Adopting the 2008 Assessment Roll for Grays Harbor County Drainage District 2.**

The Board of Commissioners for Grays Harbor Drainage District 2 closed the meeting and reconvened as Board of County Commissioners.

**PRESENTATIONS**

None

**COMMISSIONERS:**

1. **Appointment to Human Services Advisory Board – Ron Schmidt:** A motion was made, seconded and passed to appoint Ron Schmidt to fill a three-year term on the Human Services Advisory Board of Grays Harbor County.
2. **Resolution – 2007 Tax Levy for collection in 2008:** Most junior taxing districts requested tax levies for regular, debt, or special purposes according to statute on or before November 30 as required by statute. Fire Protection District No. 14 has requested tax levies for regular, debt, or special purposes after the statutory deadline of November 30, 2007. The County Commissioners certify to the County Assessor taxes levied for each city or other junior taxing district in accordance with RCW 54.52.070. The County Assessor shall extend the following tax rates and amount upon the tax rolls, subject to limitations imposed by law, in a manner and form prescribed by statute subject to submission of the tax request received after the statutory filing deadline:

Regular and Reserve (1% inc)	\$58,209
Bond	43,629
EMS	34,254
EMS 1 & 2	29,164

A motion was made, seconded and passed to approve **Resolution No. 2007-140 – Junior Taxing Districts Second 2007 Tax Levy for Year 2008 Collections.**

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

3. **Set Hearing Date – Dog Noise Ordinance:** January 14, 2008 at 2:00 p.m. is the date and time set for a public hearing to consider an ordinance adding a new chapter to Grays Harbor County Code Title 6, animals, prohibiting and providing penalties for permitting frequently, repetitively or continuously barking dogs on a premise.

## **DEPARTMENTS:**

### **AUDITOR**

1. **Request Approval, November 2007 Expenditures:** A motion was made, seconded and passed to approve expenditures for November 2007 as follows: Claims \$3,475,113.59 and Salary \$2,326,056.55 for a total of \$5,801,170.14.

### **FAIR AND TOURISM**

1. **Request Approval, Authorize Director to Sign Interagency Agreement with Department of Agriculture, Fairs Program:** The department director requested that this item will be held for a future meeting.
2. **Request Approval, Authorize Director to Sign Agreement with City of Elma – Video Production:** A motion was made, seconded and passed to approve an agreement with the City of Elma. The agreement is for funding of video production in Grays Harbor and specifically to cover the City of Elma. Grays Harbor Tourism has paid the \$2,500 production charge to Strehle Production.

### **FORESTRY:**

1. **Request Approval, Accept Contract as Complete for Cedar Salvage:** Cisneros Cedar has satisfactorily completed all the terms and conditions for the Cedar Salvage Contract, CED0701. The Department of Forestry recommended that the County accept the contract as complete and release the performance bond as posted by Cisneros Cedar for this sale. A motion was made, seconded and passed to accept the Cedar Salvage Contract, CED0701 as complete and release the performance bond as posted by Cisneros Cedar for this sale.

### **MANAGEMENT SERVICES:**

1. **Request Approval, Resolution Budget Transfer – Coroner’s Office:** A motion was made, seconded and passed to approve **Resolution No. 2007-141 – Transferring Items in the Grays Harbor County General Fund Coroner’s Office #001-000-017.** This resolution authorizes the transfer of \$5,000 from Professional Services to Extra Help to cover payroll for the remainder of the year.

### **PUBLIC HEALTH & SOCIAL SERVICES**

1. **Request Approval, Contract Amendment with CHOICE Regional Health Network:** A motion was made, seconded and passed to approve a contract amendment with CHOICE Regional Health Network. This amendment with CHOICE allows the

agency to continue to provide services one day per week, for a total compensation of \$6,000 between January and June 30, 2008. CHOICE serves a five-county region and locally provides a program to assist low-income persons in signing up for health care coverage through Medicaid, Children's Health Plan, Basic Health Plan or other subsidized health care. They provide an Access Coordinator on-site in the building one day per week to perform this function. Their involvement and expertise in insurance eligibility has expanded the number of people in Grays Harbor County with access to paid health care coverage.

### **PUBLIC SERVICES**

1. **Request Approval, Resolution Dispensing with Bidding on Purchases under \$5,000:** A motion was made, seconded and passed to approve **Resolution No. 2007-142 – A Resolution of the Board of Commissioners of Grays Harbor County, Washington, Dispensing with Advertisement and Competitive Bidding for Public Services Purchases of Goods of less than Five Thousand Dollars.** This resolution allows the Department of Public Services to dispense with advertising for sealed bids for purchase quotes valued at less than \$5,000.
2. **Request Approval, Resolution Acknowledging Vacation of Right of Way – petition by Garrett Oddy:** The Department received a petition from Garret Oddy to acknowledge vacation of rights of ways surrounding property he owns in Bay City. The Department found no record of any of these rights of way ever being opened within the applicable time period and has 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. 2007-143 – Resolution Acknowledging Vacation of Right of Way as petitioned by Garret Oddy.**
3. **Request Approval, Chehalis Basin Lead Entity Program for Salmon Recovery:**
  - a. **Contract Amendment with Department of Fish and Wildlife:** A motion was made, seconded and passed to approve a contract amendment between Grays Harbor County and the Department of Fish and Wildlife. The amendment increases the Lead Entity Operational Grant budget by \$10,385.
  - b. **Letter to Governor:** A motion was made, seconded and passed to approve a letter addressed to Governor Gregoire. The letter described the County's support of a request from the Department of Fish and Wildlife for supplemental funding with the intent of increasing lead entity operation grants.
4. **Request Approval, Agreement with Department of Community, Trade, and Economic Development regarding: Coastal Communities Grant:** A motion was made, seconded and passed to approve a grant agreement with the Washington State

Department of Community, Trade and Economic Development. The grant agreement will provide up to \$250,000 for continued work by the Coastal Communities to address erosion and sand management issues at the mouth of the Columbia and the Grays Harbor Navigation Channel.

5. **Request Approval, Declare Vehicles/Equipment Surplus:** A motion was made, seconded and passed to declare the following vehicles/equipment surplus with a minimum bid price: 2003 Ford Crown Victoria, VIN 2FAFP71W93X130713 – minimum bid of \$2,827.50.
  
6. **Request Approval, Accept Contract as Complete for Bridge Construction Project – Brooklyn Road, DeKay Road:** The contractor, Quigg Bros., Inc., has completed the Bridge Construction Project, Brooklyn Road M.P. 3.2, C-68900-05/DeKay Road M.P. 1.83, C-43920-05. The total amount of the contract is \$504,491.99, which is 9.78% below the original bid. The Department recommended acceptance of the contract, which would allow release of retainage in the amount of \$25,224.60 as per Section 60.28, Revised Code of Washington. A motion was made, seconded and passed to accept the contract as completed and allow release of the retainage bond as described.
  
7. **Request Approval, Accept Contract as Complete for Stamper Road, Cloquallum Creek Bridge Rehabilitation:** The contractor, Quigg Bros., Inc., has completed the Stamper Road/Cloquallum Creek Bridge Rehabilitation, M.P. 2.71 to M.P. 2.77, BHOS-2014(063), TA-2517, C-7673-01. The total amount of the contract is \$699,059.80, which is 3.30% above the original bid. The Department recommended acceptance of the contract, which would allow release of retainage in the amount of \$34,952.99 as per Section 60.28, Revised Code of Washington. A copy of the Comparison of Quantities Sheet was provided. A motion was made, seconded and passed to accept the contract as completed and allow release of the retainage bond as described.
  
8. **Request Approval, Reimbursable Agreement with Department of Transportation – Camp Grisdale Road:** A motion was made, seconded and passed to approve three (3) copies of Amendment No. 6 to the Camp Grisdale Road Reimbursable Agreement No. DTFH 70-06-E-00002, C-95190-17. This amendment adds \$75,000 of additional funding to reimburse the County for Wetland Mitigation costs required for the Camp Grisdale Road Project.

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

9. **Request Approval, Set Hearing – Ordinance Case No. 2005-1618:** January 7, 2008 at 2:00 p.m. is the date and time set for a public hearing to consider a proposed ordinance related to Zoning Reclassification, Case #2005-1618.

## **ANNOUNCEMENTS**

The Clerk of the Board announced that due to the Christmas holiday the office will be closed December 24 and 25, 2007. On December 31, 2007 the offices will be open, but there will not be a meeting held on that date.

## **CORRESPONDENCE**

The Clerk of the Board announced the following correspondence:

1. Claim No. C-552-07 made by Kevin D. Lipska was received and referred to the Claims Review Committee.

## **PUBLIC COMMENT**

Chairman Carter asked for public comment. He announced that comments and statements only would be accepted and would be limited to five minutes. Questions should be submitted in writing.

Terri Franklin, resident of East Grays Harbor, read and presented a six-page document regarding a copy of the memorandum via Paul Easter from Brian Shea dated December 13, 2007 pertaining to Forest Practices RCW 76.09.060.

Stan Blunt, resident of Aberdeen, made comment regarding an upcoming PDA meeting. Mr. Blunt submitted information regarding Section 8 USC 1324(a)(1)(A)(iv)(b)(iii) regarding illegal aliens.

There was no additional public comment.

## **STAFF MEETINGS**

The Board held staff meetings on Monday, December 17, 2007 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 Debbie Adolphsen, Fair and Tourism Director; Larry Smith, Director of the Forestry Department; Joan Brewster, Public Health and Social Services Director; Paul Easter, Director of the Department of Public Services.

The Board approved the following:

## **RESOLUTIONS**

- No. 2007-137** Authorizing a Supplemental Extension in the Budget of the Grays Harbor County General Fund District Court #001-000-024.
- No. 2007-138** Authorizing an Emergency Appropriation in the Budget of the Grays Harbor County General Fund Superior Court Fund #001-000-033.
- No. 2007-139** Authorizing an Emergency Appropriation in the Budget of the Grays Harbor County General Fund Civil Service Commission Fund #001-000-013.
- No. 2007-140** Junior Taxing Districts Second 2007 Tax Levy for Year 2008 Collections.
- No. 2007-141** Transferring Items in the Grays Harbor County General Fund Coroner's Office #001-000-017.
- No. 2007-142** A Resolution of the Board of Commissioners of Grays Harbor County, Washington Dispensing with Advertisement and Competitive Bidding for Public Services Purchases of Goods of Less than Five Thousand Dollars.
- No. 2007-143** Resolution Acknowledging Vacation of Right of Way as Petitioned by Garret Oddy.

## **DRAINAGE DISTRICT 2**

- No. 2007-02** A Resolution Adopting the 2008 Assessment Roll for Grays Harbor County Drainage District 2.

## **ORDINANCES**

None

## **INTERGOVERNMENTAL AGREEMENTS**

Agreement with City of Elma – Video Production

The meeting adjourned at 3:56 p.m.

BOARD OF COMMISSIONERS  
For Grays Harbor County  
This \_\_\_\_\_ day of \_\_\_\_\_, 2008

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ALBERT A. CARTER, Chairman  
Commissioner, District 3

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BOB BEERBOWER, Commissioner, District 1

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MIKE WILSON, Commissioner, District 2

ATTEST:

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Donna Caton  
Clerk of the Board