

MINUTES

BOARD OF COMMISSIONERS – GRAYS HARBOR COUNTY REGULAR MEETING

December 7, 2009

The Commissioners met in regular session in the Commissioners' Meeting Room, Administration Building, Montesano, Washington, on Monday, December 7, 2009, at 2:00 p.m. Commissioners Al Carter, Terry Willis and Mike Wilson were present. Jim Baker, Senior Deputy Prosecuting Attorney, and Donna Caton, Clerk of the Board, were also present.

CALL TO ORDER AND FLAG SALUTE

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

OATH OF OFFICE

Auditor Vern Spatz administered the Oath of Office to Dan Burns for the County Coroner position.

BIDS

1. **Schmid Road Drainage Bridge Replacement**: It was advertised November 12th and 19th, 2009, in the *Montesano Vidette*, that bids would be accepted for the Schmid Road Drainage Bridge Replacement. The work to be performed under this contract consists of replacement of the existing bridges. Bid items include: remove existing bridge, lump sum; gravel borrow, 217 ton; gravel base, 688 ton; CSBC, 181 ton; asphalt, 110 ton; class 4000 concrete, 58 C.Y.; steel reinforcing bar for bridge, 6650 LB.; superstructure lump sum; traffic barrier, 108 LF; beam guardrail transition type 1, 3 each; non-flared terminal, 3 each; and other related work.

A set of plans and specifications for the project was available from the Public Services Department located at 100 W. Broadway, Suite 31, Montesano, Washington. It was announced that the Grays Harbor County Commissioners reserve the right to reject any or all bids or parts thereof without cause. The Clerk of the Board announced the following bids with bid bond attached:

<u>Company</u>	<u>Location</u>	<u>Bid Amount</u>
Nova Contracting Inc.	Olympia, WA	\$450,050.00
Rodarte Construction Inc.	Auburn, WA	\$320,321.50
TL McConnell Construction Inc.	Port Townsend, WA	\$244,168.00
Construct Co.	Sumner, WA	\$377,437.50
Five Rivers Construction Inc.	Longview, WA	\$325,690.00
Quigg Bros. Inc	Aberdeen, WA	\$338,699.00
Rognlins, Inc.	Aberdeen, WA	\$270,992.00
Ebenal General Inc.	Bellingham, WA	\$368,250.97
Bowers Construction Inc.	Montesano, WA	\$345,285.90

HEARINGS

1. Continued Hearing - Request for Reclassification as Current Use Open Space – Applicant TerraPointe LLC: This hearing is continued from the public hearing on August 31, 2009 to consider a request for reclassification as Current Use Open Space for real property tax purposes for Parcel Numbers 180918210010, 181013110020, 181024210000, 18102420020, and 181025210010 by TerraPointe LLC. Notice of this hearing was advertised August 20th, 2009, in the *Montesano Vidette*. Commissioner Wilson asked for a staff report. Brian Shea, Planning and Building Director, reported that the request covers 226.05 acres over the entirety of the five parcels. He stated that the property is zoned general development 5 acre (G-5). The Comprehensive Plan designation is general development. Agricultural and forest activities are appropriate for the zoning and comprehensive designation. The United States Soil Survey for Grays Harbor County showed that there are two prime farmland soils present on this property.

Tax shift information and the preservation or enhancement of the natural environment was also reviewed. The on-site wetlands and stream corridors could affect the use of the property for the land use designation. The reclassification of this property will not promote the use of the property for timber or agricultural use.

Based on the presence of prime farmland soils, zoning and comprehensive plan designation, the planning and building department recommended denial of the reclassification request.

Responding to Commissioner Willis, Mr. Shea stated that the property is currently classified as Designated Forest Land.

Jane Hewitt, Land Analyst for TerraPointe LLC, spoke on behalf of the landowners and provided a handout. She stated that Cascade Land Conservancy is interested in the property because of its value for habitat, flood storage, watershed and shoreline protection. Cascade Land Conservancy is working on a long-term project to acquire and conserve lands in the Hoquiam River watershed. She discussed the flood zone and wetlands present on this property. Ms. Hewitt noted that the prime farmland soils present are mostly found within the wetland area, making it not suitable for agriculture.

Ms. Hewitt argued that the property fits the criteria of Open Space. The comprehensive and zoning designations do not make this land farmable. This land can be better preserved if owned by one group, to be conserved for its wetland habitat, stream conservation and flood storage capacity.

Commissioner Willis noted that she visited the property on Sunday December 6, 2009. She noticed most of the land had standing water, and inquired as to how long during the year the land has standing water. Ms. Hewitt replied that most months out of the year water is present.

Nicole Hill, Cascade Land Conservancy, provided pictures to the Board. She explained that the forestland designation is not appropriate anymore. Open Space classification would be appropriate to conserve the wildlife and stream life that are present on the properties. She explained that there are five miles of river bank that will be conserved. She discussed the wetlands and soils on the property.

Commissioner Willis asked for clarification of the photos provided by Ms. Hill. Ms. Hill explained that only 10% of the property is developable and the rest of the area is wetlands or flood areas.

Commissioner Wilson called for public comment. There was no public comment and the hearing was closed.

ACTION: A motion was made, seconded and passed to approve the reclassification request to Open Space for applicant TerraPointe LLC.

2. Continued Hearing - Request for Reclassification to Current Use Open Space – Applicant Rayonier Forest Resources: This hearing is a continuation of the public hearing on August 24, 2009 to consider a request for reclassification to Current Use Open Space for real property tax purposes for Parcel Number 181013200000 by Rayonier Forest Resources. Notice of this hearing was advertised August 13th, 2009, in the *Montesano Vidette*. Commissioner Wilson asked for clarification on the timeframe this hearing must be heard in. Jim Baker, Senior Deputy Prosecuting Attorney, noted that RCW states that a decision on the application must be made within six months of the file date, in this case the deadline would be January 7, 2010. Jane Hewitt, Rayonier Forest Resources, withdrew the application on behalf of the company.

ACTION: Due to the withdrawal of the application, no action was necessary.

3. 2010 Budget: There was a public hearing on December 7, 2009 to consider the budget for 2010. Notice of this hearing was published in the *Montesano Vidette* November 19th and 26th, 2009. Commissioner Wilson asked for a staff report. Rose Elway, Budget Director, reported that the budget was balanced with reduction of employee staffing levels by 22 full time employees with 16 positions as layoffs.

The General Fund 2010 budget totals \$26,379,642 which is 94% of the 2009 budget. The General Fund is comprised of all departments providing general County services. Of the General Fund 2010 budget, Salary and benefit costs are 72% (\$16,820,143), Goods and Services are 28% (\$6,457,561) resulting in \$3,101,938 in ending cash. Penalties, interest and taxes on assessed property represent 43% of the General Fund revenue base. The second largest revenue is court fines, fees, and criminal justice tax at 17% (\$4,357,656). The third largest revenue source is generated from licenses, permits and fees for services at 14% (\$3,219,985). Sales tax is the fourth largest revenue at 10% (\$2,400,000). Federal, state and local grants are fifth at 8% (\$2,035,014). Forest harvest and yield taxes are sixth at 2% (\$494,000). Finally, investment earnings are seventh at 1% (\$322,500).

The Miscellaneous Funds total \$68,507,454 in budgeted funds. The Road Fund has the largest operating budget at 25% of the total for a \$17,105,486 annual road program. The road property tax levy of \$1.86 per \$1000.00 of assessed property value generates 30% of available road revenue at \$5,048,000, with increases in added new construction and valuation base only. The road program includes \$7,580,000 in road construction projects and \$8,165,000 in road maintenance and operations countywide. 46% of Road Fund revenue \$5,930,000 is federal, state and local grants which pay for 78% of the road construction program.

Ms. Elway thanked the County Elected Officials, Department Directors, and Administrative Staff Members who cooperated and assisted in creating the best possible responsible budget, with a special thank you to employees who made concessions saving additional layoffs.

Commissioner Wilson called for public comment.

Vern Spatz, County Auditor, commented on his staffing levels and how the office will be affected with reduced staff in 2010.

Steven Brown, District Court Judge, commented on staffing levels and consolidation of the Aberdeen and Montesano Courts.

After hearing the public comment Commissioner Wilson closed the hearing.

The Commissioners each made comments on the budget process and stated their appreciation to all the staff, especially those making concessions, and for the cooperation received to meet the necessary reductions.

ACTION: A motion was made, seconded and passed to approve Resolution No. 2009- 128, Adopting the Budget for Grays Harbor County for 2010. A motion was made, seconded and passed to approve Resolution No. 2009-129, Adopting the Grays Harbor County Annual Road Construction Program for 2010.

PUBLIC COMMENT

Chairman Wilson called for public comment. He announced that comments and statements would be accepted and limited to three minutes. Questions should be submitted in writing.

There was no public comment.

CONSENT AGENDA: Approval was requested for the following items:

Minutes:

Regular Meeting – November 23, 2009

Morning Meeting – November 23, 2009
Special Meetings – June 11, 2009, September 16, 2009, October 13, 2009,
October 14, 2009, October 16, 2009, October 20, 2009, November 24, 2009,
November 30, 2009

Auditor:

1. Month-End Expenditures Audit Report – November 2009

Commissioners:

1. Set Hearing Date – January 11, 2010 – Reclassification to Current Use Timber, Dennis White & Kellie Perron
2. Set Hearing Date – January 25, 2010 – Reclassification to Current Use Timber, Weyerhaeuser
3. Set Hearing Date – February 1, 2010 – Current Use Timber, Applicant Thomas Dineen

Management Services:

1. Resolution 2009-126, approved at Special Meeting November 30, 2009 transferring items in the Stadium Fund
2. Resolution No. 2009-127, approved at Special Meeting November 30, 2009 approving levies by the cities and junior taxing districts for 2010
3. Set Hearing Date – December 21, 2009 – Emergency Budget, Coroner's Office
4. Set Hearing Date – December 21, 2009 – Supplemental Budget, District Court
5. Set Hearing Date – December 21, 2009 – Supplemental Budget, Sheriff's Department

ACTION: A motion was made, seconded and passed to approve Consent Agenda items as listed above.

CONVENE AS DRAINAGE DISTRICT NO. 2

The Board of County Commissioners convened as Commissioners for Drainage District No. 2 to consider the following:

1. **Public Hearing - Adoption of the 2010 Budget:** There was a public hearing to consider adoption of the 2010 budget for Drainage District #2. Notice of this hearing was published in the *Montesano Vidette* on November 19th and 26th, 2009. Clerk for the District, Donna Caton, explained that there will not be any projects or work done this year. The fund is building up the cash balance, with an anticipated \$2,000 to be collected from property assessments.

ACTION: A motion was made, seconded and passed to approve Resolution No. 2009-01, adopting the 2010 budget for the Grays Harbor County Drainage District No. 2.

The Commissioners adjourned the meeting of Grays Harbor County Drainage District No. 2 and reconvened as Board of County Commissioners.

COMMISSIONERS

1. **Three Veteran’s Advisory Board Re-appointments –2 year Terms ending December 31, 2011:** A motion was made, seconded and passed to approve the re-appointments of Sydney Baker, James Lambert and Maurice Fox to the Veteran’s Advisory Board for two year terms ending December 2011.
2. **Resolution, Veteran’s Advisory Board – Changing the requirement for signatures:** A motion was made, seconded and passed to approve **Resolution No. 2009-130, amending the policies and rules for administering the Veteran Assistance Grant Program for the Veteran Relief Fund.** This resolution changes the requirement for signatures from at least three “commanders” to approve additional grants in unusual circumstances to three “service officers”. This change was needed to put the approval authority into the hands of the most knowledgeable people at the post level. This was approved by the Veteran’s Advisory Board at their December meeting.
3. **Fair Board Re-appointments – Lillie Savage and Teresa Olson District 3 Representatives – 3 year terms:** A motion was made, seconded and passed to approve the re-appointments of Lillie Savage to District 1 Position 1 and Teresa Olson to District 3 Position 3 to the Fair Board for three year terms ending December 2012.
4. **Sheriff’s Department Union Agreements:**
 - a. **Memorandum of Understanding – Criminal, Corrections and Support Divisions:** A motion was made, seconded and passed to approve Memorandums of Understanding with the Criminal, Corrections and Support Staff in the Sheriff’s Department. These agreements include concessions made for the 2010 budget cycle.
 - b. **Collective Bargaining Agreement with Teamsters for Sheriff’s Department Criminal Division Employees January 1, 2010 - December 31, 2010:** A motion was made, seconded and passed to approve the Collective Bargaining Agreement with the Sheriff’s Department Criminal Division Employees for the 2010 year. This is a one year extension of the current contract. Also included is a Letter of Understanding approving 11 hour shifts.
 - c. **Washington Teamsters Welfare Trust Subscription Agreement:** A motion was made, seconded and passed to approve the Teamsters Welfare Trust Subscription Agreement.

DEPARTMENTS

JUVENILE DEPARTMENT

- 1. Request Approval, Professional Services Contract with Justin Washington for Counseling Services:** A motion was made, seconded and passed to approve the professional services contract with Justin Washington for counseling services. The contract period is from July 1, 2009 thru June 30, 2011. The total contract amount will not exceed \$10,000.
- 2. Request Approval, Amendment to the BECCA Contract:** A motion was made, seconded and passed to approve the amendment to the BECCA Contract. The amendment reduces the amount of money received from \$522,599 to \$504,267. The amount will be absorbed over a two year span, amounting to approximately \$9,166 yearly for 2010 and 2011. The contract period is from July 1, 2009 thru June 30, 2011.

MANAGEMENT SERVICES

- 1. Request Approval, Resolution – Budget Transfer, Prosecutor’s Office:** A motion was made, seconded and passed to approve **Resolution No. 2009-133, Transferring items in the Grays Harbor County General Fund Prosecutors Office,** in the amount of \$1,500. The transfer is being made from travel into professional services to cover expenses for the remainder of the year.
- 2. Request Approval, Resolution – Budget Transfer, Sheriff’s Department:** A motion was made, seconded and passed to approve **Resolution No. 2009-134, Transferring items in the Grays Harbor County General Fund Sheriff Department,** in the amount of \$98,986. The transfer is being made from interfund ER&R, capital outlay and boating safety to offset the negative contra entry.
- 3. Request Approval, Resolution 2009-119 Amendment – rescinding and reauthorizing Road Fund/ General Fund property tax levy increases:** A motion was made, seconded and passed to approve **Resolution No. 2009-131, rescinding resolution No. 2009-119 and setting Grays Harbor County property tax increase General Fund 2009 tax levy for 2010 collection. A motion was made seconded and passed to approve Resolution No. 2009-132, rescinding resolution No. 2009-120 and setting Grays Harbor County property tax increase Road Fund 2009 tax levy for 2010 collection.** None of the dollar amounts for the tax levy collection have changed. The resolutions incorporate the Washington State Department of Revenue’s requirement to specify the previous year’s allowable levy amount.

PUBLIC HEALTH AND SOCIAL SERVICES

- 1. Request Approval, Information Sharing Agreement- Department of Health:** A motion was made, seconded and passed to approve an Information Sharing Agreement with the Department of Health (DOH). The agreement documents the conditions under which DOH shares confidential information or limited Dataset(s) with other entities.

- 2. Request Approval, Memorandum of Understanding – Ready Corps VISTA Program:** A motion was made, seconded and passed to approve a Memorandum of Understanding for the Ready Corps VISTA program. It allows our current arrangement with the Washington State Service Corps. to continue. It supports the building of our Medical Reserve Corps.
- 3. Request Approval, Contract Amendment 1 – Behavioral Healthcare Options :** A motion was made, seconded and passed to approve Amendment 1 to the contract with Behavioral Healthcare Options. The amendment adds a Data Security Requirement Policy, Exhibit F, to the contract.
- 4. Request Approval, Contract Amendment – Community Mobilization Interagency Agreement:** A motion was made, seconded and passed to approve Amendment M08-66100-114B to the Community Mobilization Interagency Agreement. The amendment covers the grant period from July 1, 2009 through June 30, 2010. It provides \$49,141 for program cost reimbursement.
- 5. Request Approval, Contract Amendment 1 – SeaMar Community Healthcare Clinic:** A motion was made, seconded and passed to approve Amendment 1 to the contract with Sea Mar Community Health Clinic. The amendment corrects payment conditions set forth on page 19 to reflect minimum service hours required.
- 6. Request Approval, Contract for facility use at the South Shore Mall to conduct public H1N1 Vaccination Clinic:** A motion was made, seconded and passed to approve facility use at the South Shore Mall for the H1N1 vaccination clinic. There is no cost to use the facility.

PUBLIC SERVICES

- 1. Request Approval, Amendment No. 7- Reimbursable Agreement with the Federal Highway Administration re: Gatton Creek Bridge:** A motion was made, seconded and passed to authorize the Chairman to sign Amendment No. 7 to a Reimbursable Agreement between Grays Harbor County and the Federal Highway Administration. This Amendment extends the agreement ending date to December 31, 2010.
- 2. Request Approval, Reimbursable Agreement – Public Development Authority:** A motion was made, seconded and passed to approve the reimbursable agreement with the Public Development Authority. This agreement provides reimbursement to the County for services rendered.
- 3. Request Approval, Amendment 2 – Engineering Services Agreement with Gibb’s and Olson, Inc. – Hogan’s Coroner Water System:** A motion was made, seconded and passed to authorize the Chairman to sign the contract amendment for additional engineering services for the Hogan’s Corner Water System Project. The additional work includes further design work, additional startup and inspection activities

and supervision of services to additional properties. The cost of the amendment is not to exceed \$45,000.00 and will be paid from the construction loan for the project.

4. Request Approval, School Road Sidewalk Project – Local Agency Supplemental Agreement: A motion was made, seconded and passed to approve the Local Agency Agreement Supplement #2 for the School Road Sidewalk SAFETY project. This agreement requests Federal funds for the construction phase.

** The Clerk of the Board announced that the following item had been added to the agenda:

5. Request Approval, Set Hearing Date – CDBG Grant Closure: A motion was made, seconded and passed to set December 21, 2009 at 2:00 p.m. as the date and time for a public hearing to close out the Community Development Block Grant sponsored by the County to help the Union Gospel Mission with the demolition of a building and paving of the vacant lot.

SHERIFF'S DEPARTMENT

1. Request Approval, Contract with the Washington State Military Department for the Local Emergency Planning Committee: A motion was made, seconded and passed to approve the contract with the Washington State Military Department for the Local Emergency Planning Committee to review and update documents relating to the hazardous materials preparedness plan for Grays Harbor County. A workshop and tabletop exercise relating to emergency planning and community right to know is also part of the contract. The grant award is for \$3,240.

ANNOUNCEMENTS

None

STAFF MEETINGS

The Board held regular morning meetings on Monday, December 7, 2009, beginning at 9:00 a.m. These meetings are advertised public meetings held in the Commissioners' Conference Room. Commissioners Willis, Wilson and Carter and the Clerk of the Board reviewed calendars and pending daily office issues. The Board met with Joan Brewster, Public Health and Social Services Director, regarding agenda items; Rose Elway, Budget Director, regarding the 2010 budget; Russ Esses, regarding agenda items and department updates; Kevin Varness, regarding agenda items and updates; Brian Shea, regarding agenda items and Planning and Building updates; Lee Napier regarding agenda items; Jeff Nelson, Environmental Health, department updates. Notes of these meetings are available upon request.

The Board approved the following:

ORDINANCES

None

INTERGOVERNMENTAL AGREEMENTS

- Reimbursable agreement with the Public Development Authority

The meeting adjourned 3:35 p.m.

BOARD OF COMMISSIONERS
For Grays Harbor County
This _____ day of _____, 2009

MIKE WILSON, Chairman
Commissioner, District 2

TERRY L. WILLIS, Commissioner, District 1

ALBERT A. CARTER, Commissioner, District 3

ATTEST:

Donna Caton
Clerk of the Board