

MINUTES

BOARD OF COMMISSIONERS – GRAYS HARBOR COUNTY REGULAR MEETING

January 9, 2012

The Commissioners met in regular session in the Commissioners' Meeting Room, Administration Building, Montesano, Washington, on Monday, January 9, 2012, at 2:00 p.m. Commissioners Terry Willis, Mike Wilson and Herb Welch were present. Donna McCallum, Clerk of the Board, and James Baker, Senior Deputy Prosecuting Attorney, were also present.

CALL TO ORDER AND FLAG SALUTE

Commissioner Willis called the meeting to order with the pledge of allegiance.

BIDS:

None

HEARINGS:

1. Decision Only - Ordinance Amending Ordinance No. 392 and No. 393 and County Code 18.02 and 18.06 regarding Critical Areas Protection: There was a public hearing on December 19, 2011 to consider an ordinance amending Ordinance No. 392 and Ordinance No. 393 and County Code 18.02 and 18. The hearing was closed and the decision was postponed to today, January 9, 2012. The changes in the document amend Section 18.02.010 of the County Code to define the environmental designation for noise abatement ("EDNA") and "Fish and Wildlife Habitat Conservation Areas." The ordinance also amends Chapter 18.06 of the County Code to delete federal, state or county declared emergencies as constituting actions exempt from this chapter and including requirements for post-emergency permitting and potential mitigation. The exemption for essential public facilities provided in Section 18.06.030 is repealed and clarifying text amendments are made to Section 18.06.035 addressing the reasonable use exception. Further clarifying text changes are made to Section 18.06.135. Section 18.06.140 is amended to replace the term "waters" for "streams" in conformance with terms used in WAC 222-16-030. Notice of this hearing was published in *The Montesano Vidette* December 8, 2011.

Lee Napier provided the following written report dated December 15, 2011 regarding Proposed Amendments to Title 18:

The Planning Division requests the Board of County Commissioner consider the attached draft Ordinance amending Ordinances 392 and 393, repealing or modifying sections of County Code Title 18 and adding new sections relating definitions, general exemptions, reasonable use exceptions, development standards for wetland areas, and development standards for fish and wildlife habitat conservation areas.

The draft Ordinance was developed in response to legal proceedings filed from Futurewise and Friends of Grays Harbor. The legal proceedings identified 10 general and specific issues contended as not in compliance with the RCWs and WACs governing compliance with the Growth Management Act. This matter also includes a Stipulated Order in which all parties agreed to continue working on this issue to seek resolution outside of the courts. The draft Ordinance, in its current form addresses the first track of changes described in the Stipulated Order.

In summary, the draft Ordinance focuses on minor adjustments to County Code Title 18 and the Critical Areas Protection Ordinance which include:

- *In the Definition section, added two terms that are commonly found in other counties but not currently included in the Grays Harbor County code.*
- *Revised language to the General Exemption section to remove the requirement that an emergency be declared. In its place added language that allows for work to proceed prior to issuance of a permit but requires post-emergency permitting and potential mitigation.*
- *The Reasonable Use Exception section was revised to clarify that a property owner cannot create the need for the exception and that the county will not assume liability for granting the exception.*
- *Development Standards for Wetland Areas clarifies the existing requirement for fencing and noise abatement.*
- *Development Standards for Fish and Wildlife Habitat Conservation Areas changes the use of the term stream to waters to conflict between the definitions and its application.*

After consultation with affected interests groups, including the Petitioners, the Planning Division staff supports adoption of the draft Ordinance. The Board should also keep in mind that the Planning Division will continue in 2012 to work with stakeholders to further address the actions described in the Stipulated Order.

Commissioner Welch stated a lot of work went into this document, which is a result of the imposition of state laws.

Commissioner Willis stated there was public outreach and the document reflects those viewpoints. She stated this is a portion of the Growth Management Act.

ACTION: A motion was made, seconded and passed to approve Ordinance No. 400, an Ordinance amending Ordinances 392 and 393 repealing or modifying certain sections of Grays Harbor County Code Title 18 and adding new sections relating to definitions, general exemptions, reasonable use exceptions, development standards for wetland areas, and development standards for fish and wildlife habitat conservation areas.

PUBLIC COMMENT

Commissioner Willis called for public comment on county-related items. She announced 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 and Morning Meetings – December 19, 2011
Special Meetings – December 29, 2011 and January 4, 2012

Auditor:

Month-End Report for December 2011- Claims: \$3,177,949.74 Salary: \$2,414,835.65

Commissioners:

Renewal Bonds for Willis, Welch and Wilson
Resolution No. 2011-131 & No. 2011-132 approved at Special Meeting December 29, 2011

District Court:

Surplus Equipment – computer and copy equipment

Public Services:

Resolution Acknowledging Vacation by Operation of Law, Thomas Spradlin. **Resolution No. 2012-001, acknowledging vacation by operation of law for the south half of Chehalis Avenue.**

Correspondence:

Use Request: Capital Stage Race/South Sound Velo, June 17, 2012 Garrard Creek Rd. & around the PDA

Use Request: Olympic View Road Race/CBC Cycling, April 28, 2012 Satsop & Brady
Public Development Authority 2012 Budget

City of Westport Resolution No. 804

Lawsuit, L-634-11 Superior Court

Lawsuit, L-622-11 Charles Reibel

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

COMMISSIONERS

1. **Resolution authorizing potential indemnification of county employee in pending litigation – Charles Reibel:** A motion was made, seconded and passed to approve **Resolution No. 2012-002, authorizing potential indemnification of county employee in pending litigation.** Grays Harbor County is named a defendant in a pending civil action in *Charles Reibel v. Grays Harbor County, et al.*, and Debi Barton is a Grays Harbor County employee named as an individual defendant.

2. **Employment Agreement with Marilyn Lewis for Human Resources and Budget Manager Position:** A motion was made, seconded and passed to approve a mutual employment agreement Marilyn Lewis for the position of Human Resource/Budget Manager in Management Services.

DEPARTMENTS

MANAGEMENT SERVICES

1. **Request Approval, Resolution – Budget Transfer, Chemical Dependency/Mental Health/Therapeutic Court, \$185,313:** A motion was made, seconded and passed to approve **Resolution No. 2012-003 transferring items in the Grays Harbor County Miscellaneous Fund Chemical Dependency/Mental Health/Therapeutic Court in the amount of \$185,313.** The transfer is being made from ending cash to services and transfers out. This transfer includes recently approved expenditures for the Substance Abuse Diversion Program, Syringe Exchange Program, Advisory Board and Assessment.

2. Request Approval, Resolution – 2012 Salary Schedule: A motion was made, seconded and passed approve **Resolution No. 2012-004 fixing compensation of employees for and after January 1, 2012.** The 2012 salary resolution includes detail salary schedules by department along with salary ranges as adopted in the 2012 budget. The salary schedules reflects step increases only with no cost of living increases for Courthouse AFSCME contract employees, Public Works AFSCME contract employees, Teamsters Support personnel and all exempt employees. Per the Memorandum of Understanding for the Teamsters Corrections Division, the 3.5% increase established in the contract was suspended in 2010 and 2011; therefore, salaries will be reinstated at 3.5 % and the Teamsters Criminal Division contract is in place at a 2% increase.

** The following item was removed from the agenda during the morning meeting:

3. Request Approval, Resolution to prohibit fishing on Juvenile Detention Center Property:

PUBLIC HEALTH AND SOCIAL SERVICES

1. Request Approval, Elma Home Care Contract – long term care for persons with mental illness: A motion was made, seconded and passed to approve a contract with Elma Home Care. This facility provides long term residential care to 19 persons with serious mental illness. The funds will allow the proprietor to add staff to ensure that the residents get the care and support they need to remain stable in the community. The contract covers the period December 1, 2011 through September 30, 2012. The total contract amount is \$20,880.00. All funds come from the Mental Health Block Grant (MHBG). There are no County funds or matching obligations with this amendment.

2. Request Approval, 2011-2012 BHR Outpatient Contract Amendment 1- mental health treatment services: A motion was made, seconded and passed to approve the outpatient contract amendment with Behavioral Health Resources. This contract provides publicly funded outpatient mental health treatment services including counseling, psychiatry and residential supports. The contract is fee for service with a maximum of \$928,602.36. The contract period is October 1, 2011 through January 31, 2012.

3. Request Approval, 2011-2012 BHR Crisis Contract Amendment 1- crisis mental health services: A motion was made, seconded and passed to approve an amendment to the crisis contract with Behavioral Health Resources. This contract provides publicly funded Crisis mental health services including a 24 hour hotline, round-the-clock crisis intervention, designated mental health professionals to administer involuntary treatment and a 10 bed crisis residential facility. The contract is a block grant with a maximum of \$438,929.00. The contract period is October 1, 2011 through January 31, 2012.

4. Request Approval, 2011-2012 Catholic Community Services Amendment 1- coordinated services for families: A motion was made, seconded and passed to approve the contract with Catholic Community Services of Western Washington. This is an amendment that expands the Wraparound program from 9 families to 13 families. Wraparound is a care

coordination service for families with children served by multiple agencies. It ensures the child's care is well organized, effective and addresses the family's needs. The amendment covers the period July 1, 2011 through June 30, 2012. The total contract amount is \$165,060. \$138,060.00 comes from the State's Children's Mental Health Wraparound Pilot fund and \$27,000.00 comes from the Mental Health Block Grant (MHBG). There are no County funds or matching obligations with this amendment.

5. Request Approval, Grant application for federal funding to assist families regarding options under the Affordable Health Care Act: A motion was made, seconded and passed to authorize the department to apply for \$2,500 in federal funding to provide information to family planning clients regarding their options when the Affordable Health Care Act goes into effect. The application will require signature by the Chair, or designee, when the documents are available. The grant will be completed for submission on January 20. The grant will be administered by the Department of Health. There are no costs to the County.

PUBLIC SERVICES

1. Request Approval, Interlocal Cooperative Purchasing Agreement with Clallam County: A motion was made, seconded and passed to approve the Interlocal Cooperative Purchasing Agreement with Clallam County for goods or services.

2. Request Approval, Local Agency Agreement Supplement #1 for the Satsop River Bridge: A motion was made, seconded and passed to authorize the chairman to sign the Local Agency Agreement Supplement #1 for the Satsop River bridge project and approve closure of the road during the project in the summer. This agreement requests federal funds for the construction phase and an increase in federal funds for the design phase.

ANNOUNCEMENTS

Clerk of the Board, Donna McCallum stated the next regular meeting of the Board of County of Commissioners is January 23, 2012 due to the Martin Luther King holiday on January 16, 2012.

CORRESPONDENCE

None

STAFF MEETINGS

The Board held a regular morning meeting on Monday, January 9, 2012, beginning at 9:00 a.m. These meetings are advertised public meetings held in the Commissioners' Conference Room. Commissioners Welch, Wilson and Willis and Clerk of the Board, Donna McCallum reviewed calendars and pending daily office issues. The Board met with the following persons: Dale Gown, Central Services, regarding an agenda item; Marilyn Lewis and Brenda Sherman, Budget Team, for a year-end budget update; Joan Brewster, Public Health and Social Services, regarding agenda items and updates; Public Services individuals regarding agenda items and department updates: Kevin

Varness, Public Services; Lee Napier, Planning Department; Jeff Nelson, Environmental Health; Russ Esses, Road Department.

**RECAP OF APPROVED RESOLUTIONS, ORDINANCES, AND
INTERGOVERNMENTAL AGREEMENTS:**

RESOLUTIONS

- | | |
|---------------------|--|
| No. 2012-001 | Acknowledging vacation by operation of law for the south half of Chehalis Avenue |
| No. 2012-002 | Authorizing potential indemnification of county employee in pending litigation |
| No. 2012-003 | Transferring items in the Grays Harbor County Miscellaneous Fund Chemical Dependency/Mental Health/Therapeutic Court in the amount of \$185,313 |
| No. 2012-004 | Fixing compensation of employees for and after January 1, 2012 |

ORDINANCES

- | | |
|----------------|--|
| No. 400 | An Ordinance amending Ordinances 392 and 393 repealing or modifying certain sections of Grays Harbor County Code Title 18 and adding new sections relating to definitions, general exemptions, reasonable use exceptions, development standards for wetland areas, and development standards for fish and wildlife habitat conservation areas |
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INTERGOVERNMENTAL AGREEMENTS

- Cooperative Purchasing Agreement with Clallam County

The meeting adjourned at 2:21 p.m.

BOARD OF COMMISSIONERS

For Grays Harbor County

This _____ day of _____, 2012

TERRY L. WILLIS, Chairman, District 1

MIKE WILSON, Commissioner, District 2

HERB WELCH, Commissioner, District 3

ATTEST:

Donna McCallum, Clerk of the Board