

Minutes
BOARD OF COMMISSIONERS – GRAYS HARBOR COUNTY
REGULAR MEETING

June 17, 2013

The Commissioners met in regular session in the Commissioners' Meeting Room, Administration Building, Montesano, Washington, on Monday, June 17, 2013, at 2:00 p.m. Commissioners Herb Welch, Wes Cormier and Frank Gordon were present. Donna McCallum, Clerk of the Board, was present to record the meeting. James Baker, Senior Deputy Prosecuting Attorney was also present.

CALL TO ORDER AND FLAG SALUTE

BIDS:

None

PUBLIC COMMENT

Commissioner Welch called for public comment on county-related items. He announced comments and statements would be accepted and limited to three minutes. Questions should be submitted in writing.

There was no public comment.

COMMISSIONERS:

1. Settlement Agreement between Grays Harbor County Superior Court and Grays Harbor County Board of Commissioners. No public comments were taken during this agenda item.

- a. Presentation by Tom Fitzpatrick: Mr. Fitzpatrick presented a detailed overview of the Settlement Agreement between Grays Harbor County Superior Court and the Grays Harbor County Board of Commissioners. Mr. Fitzpatrick's comments are summarized as follows: As a result of a law suit filed by the Superior Court Judges, there was 1.5 years of litigation and two mediation attempts, weeks of mitigation and follow up. The resulting document is a product of negotiation and compromise. When parties fashion their own remedies, there is a much happier result than when a third party makes the decisions. This case is significant to both the legislative and judicial branches. The fundamental dispute was the roles and responsibilities of each branch and separation of powers. It is a misnomer to think each is sealed off from the other, when in actuality they are entwined. Today, both sides won and the taxpayers benefit by a cooperative and respectful relationship. The 2013 budget is resolved. The agreement preserves the budget and the personnel process remains under the legislative branch and also ensures the judicial branch adopts basic county policies affecting employees. The working

relationship is identified under GR29. There are provisions to create committees to address the third courtroom, security, collection of fines and public records. The consent orders will be filed in Thurston County and its court will track the progress of the agreement for seven years. If adopted, this agreement resolves the litigation. Mr. Fitzpatrick commented Washington State ranks 50th in the nation in support of its court system, which creates a large local burden that is not a sustainable path for the future. Mr. Fitzpatrick thanked all involved, stating the open communication served to finalize this agreement.

- b. Invite Superior Court Judges for Appreciation Comments: Superior Court Judge Dave Edwards stated the details of the settlement took time, which was spent learning how to operate with mutual respect and in the spirit of cooperation. Both branches have a higher level of understanding of each respective role. Meetings are already occurring with open communication. They are aware there are more needs in this county than available funds. He thanked Commissioner Welch for his leadership. He explained Judge McCauley was not able to attend due to a prior commitment but gave his full approval for the agreement.
- c. Appreciation Comments by Commissioners: Commissioner Gordon thanked Tom Fitzpatrick, stating the Commissioners and Judges worked very hard to serve the taxpayers of the county. He thanked various staff members. Mr. Gordon said there is mutual respect and the citizens have been served well. Commissioner Cormier thanked the Judges, Commissioners and Mr. Fitzpatrick, stating this was a learning experience. Although everyone is not 100 percent satisfied, through a series of compromises this is a workable document. Commissioner Welch spoke about the steps that will be taken for a third courtroom, but did not agree with language that reserves the right to seek relief. He stated he hoped today would be a commencement.
- d. Motion to approve the settlement agreement: A motion was made, seconded and unanimously passed to approve the Settlement Agreement between Grays Harbor County Superior Court and Grays Harbor County Board of Commissioners as presented.

Commission Chair Herb Welch announced a recess from 2:38 p.m. to 2:43 p.m., after which he reconvened the regular meeting.

HEARINGS:

1. Emergency Budget Appropriation-Civil Service, \$6,795: There was a public hearing on June 17, 2013 to consider an Emergency Budget appropriation for Civil Service in the General Fund in the amount of \$6,795. Notice of this hearing was published in *The Montesano Vidette* on June 6, 2013. Commissioner Welch asked for a staff report. Brenda Sherman, Budget Director, reported this resolution appropriation will cover salary and benefits necessary to administer tests for the County Sheriff.

Commissioner Welch asked if there was any public comment. There was no public comment and the hearing was closed.

ACTION: A motion was made, seconded and passed to approve Resolution 2013-052 authorizing an emergency budget appropriation for Civil Service in the amount of \$6,795.

CONSENT AGENDA: Approval was requested for the following items:

Minutes:

June 10, 2013 Regular Meeting and Morning Meeting

Commissioners:

Appoint Dr. Tom Opstad to Pacific Mountain Workforce Development Council

Management Services:

Set Hearing Date – *July 8, 2013* – Emergency Budget General Fund Juvenile

Set Hearing Date – *July 8, 2013* – Emergency Budget General Fund Superior Court

Personnel:

Juvenile Court:

Promote Kisa Spencer from Probation III position to Director of Court Services/Probation Manager effective July 1, 2012 (involves retroactive pay)

Superior Court:

Reclassify Rita Zastrow from Judicial Executive Secretary to Assistant Court Administrator effective April 1, 2013 through July 31, 2013, which is her effective retirement date.

Correspondence:

Claim No. C-663-13 filed by Larry Dale Everett

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

DEPARTMENTS

Central Services:

1. Request Approval, Master Contract Usage Agreement with the Washington State Co-op: A motion was made, seconded and passed to approve the Master Contract Usage Agreement with the Washington State Co-op. This agreement allows Grays Harbor County to continue to purchase from Washington State goods and services contracts. The new membership agreement does not have a membership fee and this agreement does not expire.

Management Services:

1. Request Approval, amending Salary Resolution for Juvenile Court and Superior Court: A motion was made, seconded and passed to approve Resolution 2013-053 amending the salary resolution for the Juvenile Court and the Superior Court. The Juvenile Department amendment reflects the promotion of a Probation Officer III to the Director of Court Services and the addition of a vacant Detention Worker I position. The Superior Court amendment reflects the reclassification of the Judicial Executive Secretary to Assistant Court Administrator for four months and the increase in judge's salaries effective September 1, 2013 per the Washington Citizens Commission on Salaries for Elected Officials.

Public Health and Social Services:

1. **Request Approval, renewal of ABCD Local Activities Contract with the Washington State HealthCare Authority in the amount of \$48,000 over two years:** A motion was made, seconded and passed to approve the renewal of the ABCD Local Activities Contract with the Washington State HealthCare Authority in the amount of \$48,000 over two year period. The purpose of this agreement is to provide funding for local dental care coordination to improve access to oral health care for children under six years old who are on Medicaid. The total consideration under this contract is \$48,900, to be used over a two year period beginning July 1, 2013 and ending June 30, 2015.

2. **Request Approval, contract with Washington Department of Social and Health Services Division of Behavioral Health and Recovery for the 2013-2015 Mental Health Federal Block Grant in the amount of \$70,748 for the period of July 1, 2013 through June 30, 2014:** A motion was made, seconded and passed to approve the contract with Washington Department of Social and Health Services Division of Behavioral Health and Recovery for the 2013-2015 Mental Health Federal Block Grant in the amount of \$70,748 for the period of July 1, 2013 through June 30, 2014. The Mental Health Federal Block Grant provides funding for services and support to promote recovery and resilience for persons with serious mental illness and their families. Services funded include community education programs and direct services to uninsured individuals returning to the community from inpatient psychiatric hospitalization. The funding in this contract covers the period July 1, 2013 through June 30, 2014. Funds for the remainder of the contract will be added via an amendment in May, 2014.

3. **Request Approval, Licensing Agreement with Stanford University Patient Education Research Center to provide workshops and training services (licensing fee is paid by the National Association of County and City Health Officials):** A motion was made, seconded and passed to approve the Licensing Agreement with Stanford University Patient Education Research Center to provide workshops and training services. This agreement allows Grays Harbor Public Health to provide workshops and train lay trainers on two Stanford Self-Management Programs for three years for the Chronic Disease Self-Management Program and Diabetes Self-Management Program. The license fee was paid by the National Association of County and City Health Officials (NACCHO) as part of a contract to deliver chronic disease self-management education.

Public Services:

1. **Request Approval, Schmid Road Drainage Bridge Replacement, CRP Resolution C-11171-02, Advertise for Bid, Road Closure for duration of the project for a total cost of \$908,600:** A motion was made, seconded and passed to approve the Schmid Road Drainage Bridge Replacement, including CRP Resolution C-11171-02, advertisement for bid, and permission for road closure during construction for a total cost of \$908,600. Engineering costs, right of way and bridge costs are 100% funded through the federal BRAC program, with the exception of \$19,300 for non-participation approach work. Schmid road will be closed at mile post 0.11 during construction. This closure is necessary in order to remove and construct the new bridge. Traffic can detour by using SR 105.

2. Request Approval, Wishkah Road Realignment, MP 9.2 to MP 9.6 – DOE Construction Stormwater General Permit: A motion was made, seconded and passed to authorize the chair to sign the Wishkah Road Realignment Department Of Ecology Construction Stormwater General Permit, required as part of the Wishkah Road Realignment Project.

3. Request Approval, Award Bid and Authorize Contract for the 2013 County Road Guardrail Project in the Amount of \$439,291.93 to Petersen Brothers, Inc. of Sumner: A motion was made, seconded and passed to approve the bid and authorize the contract for the 2013 County Road Guardrail Project to Petersen Brothers, Inc. of Sumner in the amount of \$439,291.93. Petersen Brothers, Inc. of Sumner, Washington, submitted the low bid, which is 7.6% below the engineer's estimate.

Superior Court:

1. Request Approval, Use of Trial Court Improvement fund and contract with Mediation Services for Parent Teen program: A motion was made, seconded and passed to approve the use of the Trial Court Improvement Fund and to contract with Mediation Services for the Parent Teen Program. This is a new program funded by the Trial Court Improvement Fund.

Treasurer's Office:

1. Request Approval, authorize the Energy Retrofit Project Financing: A motion was made, seconded and passed to authorize Energy Retrofit Project Financing:

- Resolution 2013-054, Reimbursement for LOCAL Program Financing Energy Retrofit Project
- Resolution 2013-055, Authorizing acquisition of personal property and execution of financing contract and related documentation for Energy Retrofit Project

2. Request Approval, authorize the Correctional Facility Security Project Financing: A motion was made, seconded and passed to authorize Correctional Facility Project Financing:

- Resolution 2013-056, Reimbursement for LOCAL Program Financing Correctional Facility Security Project
- Resolution 2013-057, Authorizing acquisition of personal property and execution of financing contract and related documentation for the Correctional Facility Security Project

Public Services Director Kevin Varness explained this financing package is to satisfy requirements of the State Treasurer for financing of Energy upgrades in various facilities and Security upgrades in the jail. The energy analysis shows payback of the energy loan will be accomplished through energy savings. There are also incentive payments from the Grays Harbor Public Utility District as part of the project financing package.

ANNOUNCEMENTS:

None

CORRESPONDENCE:

None

STAFF MEETINGS

The Board held a regular morning meeting on Monday, June 17, 2013, beginning at 9:00 a.m. These meetings are advertised public meetings held in the Commissioners' Conference Room. Commissioners Herb Welch, Wes Cormier and Frank Gordon and Clerk of the Board Donna McCallum reviewed agendas, calendars and pending daily office issues. The Board met with the following Public Services Representatives regarding requests and department updates: Road Engineer Russ Esses, Public Services Director Kevin Varness and Environmental Health Director, Jeff Nelson.

RECAP OF APPROVED RESOLUTIONS, ORDINANCES, AND INTERGOVERNMENTAL AGREEMENTS:

RESOLUTIONS:

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| No. 2013-052 | Approving an Emergency Budget Appropriation for Civil Service, In the amount of \$6,795 |
| No. 2013-053 | Amending the salary resolution for the Juvenile Court and the Superior Court |
| No. 2013-054 | Reimbursement for LOCAL Program Financing Energy Retrofit Project |
| No. 2013-055 | Authorizing acquisition of personal property and execution of financing contract and related documentation for Energy Retrofit Project |
| No. 2013-056 | Reimbursement for LOCAL Program Financing Correctional Facility Security Project |
| No. 2013-057 | Authorizing acquisition of personal property and execution of financing contract and related documentation for the Correctional Facility Security Project |

ORDINANCES:

None

INTERGOVERNMENTAL AGREEMENTS:

None

The meeting adjourned at 2:55 p.m.

BOARD OF COMMISSIONERS

For Grays Harbor County

This _____ day of _____, 2013

HERB WELCH, Chairman, District 3

WES CORMIER, Commissioner, District 1

FRANK GORDON, Commissioner, District 2

ATTEST:

Donna McCallum, Clerk of the Board