

**BOARD OF COUNTY COMMISSIONERS  
LEWIS COUNTY, WASHINGTON  
BOARD MEETING MINUTES  
January 9, 2012**

The Board of County Commissioners for Lewis County, Washington met in regular session on Monday, January 09, 2012 at 10:00 a.m. **Commissioners Ron Averill, Bill Schulte, and F. Lee Grose** were in attendance. **Chairman Averill** determined a quorum, called the meeting to order and proceeded with the flag salute. **Commissioner Schulte** moved to approve the minutes from the 10:00 a.m. meeting held on Monday, December 19, 2011. **Commissioner Grose** seconded the motion.

**Motion Carried 3-0**

<b>NOTICE</b>
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**Commissioner Grose** moved to approve Notice Agenda items one through five. **Commissioner Schulte** seconded the motion. Candace Hallom read the items into the record.

- 1. Notice of Hearing: Regarding Ordinance 1236-amending Lewis County Code, to add a new chapter on Collective Medicinal Cannabis Gardens. Hearing will be held on or after 10:00 am on Monday, January 23, 2012. Resolution No. 12-001**

**Robert Johnson, Director of Community Development**, stated this is a notice of hearing proposing an amendment to Lewis County Code adding a new chapter 8.60, Collective Medicinal Cannabis Gardens. Currently the County is under moratorium which was adopted on August 15, 2011. The moratorium was extended for six months from the date it was originally enacted and will expire on February 2, 2012. The moratorium imposes a prohibition from receipt of any acceptance of application for land use development that involve community medicinal marijuana gardens. A hearing will be held on January 23, 2012 on or after 10:00 am to hear public testimony or comments. The Sheriff and Prosecuting Attorney's office have reviewed the proposed Ordinance. Notice will be published in the East County Journal and will be available on the County Website.

**Commissioner Averill** stated medical use of marijuana is something that has been imposed upon counties and cities in the State of Washington by legislation out of the last Legislature. In the process of that legislation the original legislation would have left much of the permitting with the State and a ruling from the Federal Government Prosecutors for the two Washington District Courts substantially told the Governor that if she approved the legislation that state officials would be subject to prosecution because it is not legal to grow or distribute marijuana under federal law. The Governor vetoed part of the legislation and passed the problem down to the cities and counties. Having talked to all the city officials in Lewis County, they are concerned that if we just allow medical marijuana gardens to develop in the County without any control we will be

subject to potential litigation by the Federal Government. As a result, one of the requirements to grow medical marijuana in Lewis County will be to require a federal license.

**2. Notice of Hearing: Regarding the 1st 2012 Budget Amendment for Current Expense and Various Funds. Hearing will be held on or after 10:00 am, on January 30, 2012. Resolution No. 12-002**

**Dawna Truman, Budget Director**, stated a hearing for the first budget amendment for 2012 will occur on January 30, 2012. The current amount notice is \$250,000.00 which has already changed and a new amount will be determined. Current amendments are for \$250,000.00 for LEOFF 1 expenses and \$486,000.00 is a commerce grant for small business loans that needs to be budgeted.

**3. Notice of Hearing: Regarding the replacement of Davis Creek Bridge. Hearing will be held on or after 10:00 am, on January 30, 2012. Resolution No. 12-003**

**Tim Elsea, Director of Public Works**, stated Federal law, by Executive Order 11988, requires that FEMA follow an eight step process to be carried out as part of the decision-making on projects that have potential impacts to or within the flood plain. One of the steps of this process is to conduct public review. FEMA has requested that the Lewis County Board of County Commissioners hold a public hearing to solicit input from interested parties on alternatives to replacing the Davis Creek Bridge which was destroyed in the 2006 flood event. It is recommended that the Board of County Commissioners advertise and hold a public hearing on January 30, 2012 at or after 10:00 a.m. in the Commissioners' Hearing Room to solicit public comment regarding the replacement of the Davis Creek Bridge and where all persons may appear and be heard. Mark Everline from FEMA is planning on being at the hearing to make a presentation and asking for in-put.

**Commissioner Averill** stated this bridge was destroyed in the 2006 flood. We have been talking to FEMA about the option of repairing the bridge. The bridge serves very few people and there are good ways of getting around it so perhaps repairing the bridge isn't the thing to do. FEMA originally stated we would need to repair the bridge in order to get money. Now they are telling us we have to go through this process to look at alternatives.

**4. Notice: Calling for the establishment of an On-Call Consultant Roster for Architectural, Engineering and/or professional service assistance needs for county projects. Resolution No. 12-004**

**Tim Elsea, Director of Public Works**, stated the attached resolution will allow the opening of the On Call Consultant Roster to obtain applications from businesses interested in having their business placed on one or more of the rosters. The On Call Consultant Roster allows the County to possibly consider consultants for projects requiring architectural, engineering and/or professional services. On Call Consultant

projects shall be awarded from the On Call Roster in accordance with the requirements of RCW 39.80 and RCW 39.29.

**5. Notice: Establishment of the 2012 County Road Construction County Forces Projects. Resolution No. 12-005**

**Tim Elsea, Director of Public Works**, stated per RCW 36.77.070, "If the Board of County Commissioners determines that any construction should be performed by County Forces, and the estimated cost of the work exceeds ten thousand dollars, it shall cause to be published in one issue of a newspaper of general circulation in the county, a brief description of the work to be done and the county road engineer's estimate of the cost thereof." In this case, the work to be done is the County Forces construction projects in 2012. The aforementioned County Forces projects were adopted as a part of the 2012 Annual Construction Program. This notice meets the requirement for anticipated use of County Forces as part of the 2012 Annual Construction Program for the Countywide 3R Program (2163), Safety and Guardrail Program (2164), Bridge and Road Bank Protection Program (2159), Koontz Road Widening (2089), King Road Rehabilitation (1937), and Meskill (2156) and Yates (2157) Road Improvements for a total of \$1,270,000.00.

**Motion Carried 3-0**

<b>CONSENT</b>
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**Commissioner Schulte** moved to approve Consent Agenda items six through fifteen. **Commissioner Grose** seconded the motion. Candace Hallom read the items into the record.

**6. Resolution No. 12-006 Election of the 2012 Chairman for the Board of County Commissioners.**

**Commissioner Averill** stated this approves the appointment by the Lewis County Board of County Commissioners of F. Lee Grose as Chairman of the Board, and P.W. "Bill" Schulte as Vice Chairman for calendar year 2012.

**7. Resolution No. 12-007 Approval of warrants and payroll for payment.**

**Commissioner Averill** stated this approves 27 Special Purpose warrants (Vader Water System) for \$35,712.71 and 774 warrants issued by the Auditor's Office for \$2,357,507.57, totaling \$2,393,220.28. Also approves 436 automatic deposits checks totaling \$1,182,796.76; and, 145 payroll warrants for net pay, and 55 payroll warrants for benefits/deductions for a total \$3,093,898.92.

**8. Resolution No. 12-008 Approving medical rates paid by Lewis County for non-union employees for 2012.**

**Archie Smith, Human Resources**, stated this Resolution establishes the medical health and welfare rates for the non-represented employees for the 2012 calendar year. The amount is \$835.00 per employee per month which has not changed from last year's rate. We have three union groups that are set at the same rate.

**9. Resolution No. 12-009 Authorization to apply for grant funding from the Department of Ecology for the mandated updates to the Lewis County Shoreline Master Program.**

**Robert Johnson, Director of Community Development**, stated Chapter 90.58 RCW, requires that the county Shoreline Master Program be reviewed and updated periodically. Under state law, Lewis County and the cities within the county subject to the Shoreline Management Act must have completed the mandated update by December 1, 2013. To accomplish this, the state offers funding through the Department of Ecology. Lewis County and the cities of Chehalis, Centralia, Winlock and Morton have agreed to work together to update their respective master programs, pooling the Ecology grant-funding. By working cooperatively, and pooling grant funds, the county and cities will be able to hire a qualified consultant to assist in the necessary technical work and to provide support for the public outreach as necessary. All of the other cities and towns subject to the Shoreline Management Act have chosen to independently update their own master programs and not pool their Ecology grant funding. It is anticipated that Lewis County will receive \$450,000 funding; Chehalis and Centralia will each receive \$125,000; Winlock and Morton will receive \$40,000. The Cities and County, who will be cooperating, will sign an inter-local agreement to pool the funding and memorialize such working agreements that will be necessary for the technical and public involvement, and for creating a final draft shoreline master program for each participating jurisdiction.

**Commissioner Grose** stated we already have a Shoreline Master Plan and program. So we are updating it in the amount of \$780,000.00. What is wrong with the one we have? It seems that we could save the State of Washington \$780,000.00 by not doing this.

**Commissioner Averill** stated there is a mandated requirement to update it every five years. We tried to make that point during the last legislature. There is a great deal of technical information that is required in the process of doing a Shorelines Management Act and part of the reason for the large amount of funding is we are going to have to use consultants to do that work.

**10. Resolution No. 12-010 Approving a Memorandum of Agreement between Lewis County and Washington State University.**

**Sheila Gray, WSU Extension**, explained what the WSU extension and academic research does. This agreement is an annual agreement between WSU and Lewis County to help pay for this program. Lewis County's share of funding is \$66,914.00.

**11. Resolution No. 12-011 Approving a Collective Bargaining Agreement with the Lewis County Deputies Guild.**

**Archie Smith, Human Resource**, stated the Collective Bargaining Agreement between the Lewis County Sheriff's Office and the Lewis County Deputies Guild is being presented for approval by the BOCC. Settlement was reached during mediation. The contract is a two year agreement dating from January 1, 2011- December 31, 2012. The agreement provides for a 2% COLA to be effective 12/31/2011. This COLA has been previously deferred for 2 years from the previous contract and is not retroactive. A 2.5% COLA will be applied at the beginning of 2012. Agreement was reached for 2012 in the health & welfare provisions to go from the Premera 200 Plan to the Premera 500 Plan. The agreement also provides for employer/employee health plan cost shares to remain at a 95/5% split and a one-time \$1,000.00 medical plan offset will be paid to each member.

Other issues that were addressed during negotiation were:

- Clarification of Guild member communication protocols
- Clarification of the safety periods
- Clarification of Civil Service conflict
- Standardization of rest and meal periods
- Clarification of bereavement leave
- Clarification of Weingarten, interviews, and grievance protocols
- Payday change language was added to comply when the county implements the new payroll system

**12. Resolution No. 12-012 Approving an inter-local with Lewis County Fire District #8 for use of the Small Works Roster.**

**Tim Elsea, Director of Public Works**, stated RCW 39.04.155(2) (b) establishes guidelines for Inter-local Agreements allowing state agencies and local governments the use of an established Small Works Roster. Lewis County Fire District #8, Salkum, has requested that we establish such an Inter-local Agreement. It appears to be in the best public interest to authorize the execution of said Inter-local Agreement in order to allow use of the Lewis County Small Works Roster in a manner that is consistent with that of the County.

**13. Resolution No. 12-013 Cancellation of delinquent accounts receivable invoices from the Roads Fund 117.**

**Tim Elsea, Director of Public Works**, stated Road Fund 117 attempts to collect for the costs to repair public infrastructure damaged due to traffic accidents. The attached list is a detail of three delinquent invoices issued from 2008 totaling \$820.20 which have been sent to debt collection. All attempts to collect have been unsuccessful. It is recommended that the Board of County Commissioners approve the write off and cancellation of these accounts receivables as these invoices have been deemed uncollectible.

**14. Resolution No. 12-014 Approving contracts with White Pass Community Services, Reliable Enterprises, and the Lewis County Shelter Program to provide assistance to individuals who are homeless.**

**Michelle Sorlie, Social Services**, stated this contract will provide funds for Lewis County local agencies that provide services to homeless and at risk persons for rental assistance, utility assistance, and essential needs for Medical Care Service recipients in Lewis County. These funds will be used according to Department of Commerce Housing and Essential Needs Grant guidelines. The Housing and Essential Needs Grant (HENG) is one of the programs created by Engrossed Senate House Bill 2082 that terminates The Washington State Disability Lifeline Program. These funds are awarded to Counties to be distributed to Homeless Housing agencies. Funding comes from Department of Commerce and then Lewis County Public Health and Social Services distributes the funds to local agencies.

White Pass Community Services	\$ 41,382.00
Reliable Enterprises	\$160,140.00
Lewis County Shelter Program	<u>\$104,737.00</u>
Total	\$306,259.00

**15. Resolution No. 12-015 Approving a Consolidated Homeless Grant with the Washington State Department of Commerce to provide housing assistance.**

**Michelle Sorlie, Social Services** stated this is the new homeless contract with Washington State Department of Commerce. The contract is for the funding that replaces the ESHP (Emergency Shelter and Homeless Program) and the THOR (Transitional Housing Operating and Rent) programs. This is a contract that provides funds for emergency shelter and services to families and individuals at-risk of or experiencing homelessness in Lewis County. Lewis County Social Services is the lead agency for the CHG (Consolidated Homeless Grant). This is a grant which Lewis County contracts with local service providers to provide shelter and services to homeless and at risk persons and families in Lewis County. Funding will come from the Department of Commerce to Lewis County and be distributed to local service providers throughout the county. This funding has been significantly reduced and is in the amount of \$300,682.00 for a two year period.

**Motion Carried 3-0**

There being no further business, the Commissioners' public meeting adjourned at 10:52 am on January 9, 2012. The next public meeting will be held Monday, January 23, 2012, at 10:00 a.m.

Please note that minutes from the Board of County Commissioners' meetings are not verbatim. A recording of the meeting may be purchased at the Commissioners' office.

**BOARD OF COUNTY COMMISSIONERS**

**LEWIS COUNTY, WASHINGTON**

**ATTEST:**

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F. Lee Grose, Chairman

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Karri Muir, Clerk of the Board  
Lewis County Commissioners

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P.W. Schulte, Commissioner

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Ron Averill, Commissioner