

**BOARD OF COUNTY COMMISSIONERS  
LEWIS COUNTY, WASHINGTON  
BOARD MEETING MINUTES  
September 26, 2011**

The Board of County Commissioners for Lewis County, Washington met in regular session on Monday, September 26, 2011 at 10:00 a.m. **Commissioners Ron Averill P.W. “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 Grose** moved to approve the minutes from the 10:00 a.m. meeting held on Monday, September 19, 2011. **Commissioner Schulte** seconded the motion.

**Motion Carried 3-0**

<b>NOTICE</b>
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**Commissioner Schulte** made a motion to approve Notice Agenda items one and two. **Commissioner Grose** seconded the motion. Candace Hallom read the items into the record.

- 1. Notice of Hearing: Regarding Ordinance 1226 which will amend Ordinance 1224 to include Law Enforcement as part of the CD-MH-TC Sales Tax Advisory Board. Hearing will be held on or after 10:00 am on October 10, 2011. Resolution No. 11-310**

**Chairman Averill** stated this provides notice that a hearing will be held on or after 10:00 am on Monday, October 10, for the purpose of taking public comment and consideration of ORD 1226 which amends ORD 1224 to change the composition of the CD-MH-TC Sales Tax Advisory Board. ORD 1224 was passed in regular session of the Board of County Commissioners on June 20, 2011. Section 6 established an Advisory Board of nine members. This amendment changes the composition of the Board to include a representative of Law Enforcement and reduce the Citizen At Large positions to one. The public will have an opportunity to ask questions and provide testimony on the Preliminary Budget.

- 2. Notice of Hearing: Regarding Ordinance 1231 that will amend Ordinance 1225 related to land use and zoning and imposing a moratorium on Community Medical Marijuana Gardens. Hearing will be held on or after 10:00 am, on October 10, 2011. Resolution No. 11-311**

**Robert Johnson, Director of Community Development,** stated this is a notice of a hearing to receive public testimony to consider adopting Ordinance No.1231, an ordinance amending Ordinance No. 1225, extending the expiration date of Ordinance No. 1225, related to land use and zoning and imposing a moratorium on receipt of applications for development of community medical marijuana gardens upon declaration of emergency. Ordinance No. 1225, adopted by the Board on August 15, 2011 imposed a moratorium on the receipt and acceptance of applications for land use development of any kind requiring County review or approval for community medical marijuana gardens.

The ordinance expires on October 13, 2011. The Board is required to hold a hearing on the Ordinance before the expiration date. This action will provide notice of public hearing on Ordinance No. 1231, amending Ordinance No. 1225 to extend the moratorium and give the County additional time to research and consider options for compliance with the newly enacted medical marijuana laws. Ordinance No. 1231 will amend Ordinance No. 1225 to extend the expiration date an additional four months, such that the moratorium is in effect for six months, as allowed under state law. Prior to the expiration of Ordinance 1225, the Board must hold a public hearing and either extend further the moratorium or act on permanent controls to regulate community medical marijuana gardens, consistent with the requirements of Chapter 69.51A, RCW. Consistent with the authority granted the County in RCW 36.70.790, RCW 36.70A.390 and RCW 35.63.200, and with the court's guidance as set forth in *Matson v. Clark Board of Commissioners*, 79 Wn.App. 641 (1995), the County has the authority to act in the best public interest and extend the moratorium for an additional four months, to expire February 15, 2012, six months from the date of the enactment of Ordinance No. 1225.

**Chairman Averill** stated we originally put the moratorium for sixty days. As we have worked with the Prosecutors staff and the Sheriff's office, we have come up with some more considerations that will require more staff time before we can present something to the public.

**Commissioner Grose** stated this is a hearing to extend the moratorium and not a hearing to hear testimony to allow or not allow Medical Marijuana Gardens.

### **Motion Carried 3-0**

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

### **3. Resolution No. 11-312 Approval of warrants for payment.**

**Chairman Averill** stated this approves 5 Special Purpose Warrants (Vader Water System) for \$301.40; and, 232 warrants issued by the Auditor's Office for \$681,198.33, for a combined total of \$681,499.73. In addition, approves 256 Payroll Benefits warrants for draws on pay totaling \$226,947.00.

### **4. Resolution No. 11-313 Authorizing a contract between Cowlitz-Wahkiakum Council of Governments and Lewis County for transportation planning costs and work performed.**

**Tim Elsea, Director of Public Works**, stated this Contract between Cowlitz-Wahkiakum Council of Governments and Lewis County is provided to support a Transportation Planner for 2011-2012. The Planner will support Lewis County and the

Lewis County Transportation Strategy Council in developing comprehensive transportation solutions and to assist in prioritizing and programming transportation infrastructures within the County and developing regional infrastructure improvements. This work will support the delivery of the Products/Outcomes as defined in the Lewis County Transportation Strategy Council Charter including travel demand forecasting and traffic modeling of the regional, county, and local city roadway systems. The purpose of this work is to develop long range regional transportation improvements to meet future land use and growth to an acceptable level of service within Lewis County. The term of the agreement is July 1, 2011 through June 30, 2012. The maximum amount payable under this contract is \$25,000.00. It appears to be in the best public interest to authorize the execution of said Contract.

**Chairman Averill** explained how the Lewis County Transportation Strategy Council was created and what the council does.

**5. Resolution No. 11-314 Approving a funding agreement with the U.S. Department of the Interior, U.S. Geological Survey for the 2012 operation and maintenance of stream gaging stations in the Chehalis and Cowlitz River Basins.**

**Tim Elsea, Director of Public Works**, stated this approves a contract and funding agreement between Lewis County and U.S. Geological Survey (USGS) providing Lewis County's share (\$49,540.00) to USGS for the operation and maintenance of stream gage stations in the Cowlitz and Chehalis River Basins for Water Year (WY) 2012. USGS has ten gages installed in the two basins and local funding must be approved and remitted prior to October 1, 2011. The total cost of maintaining the stations for the upcoming WY is \$89,590.00 with the USGS share of \$40,050. This is an annual renewal of the contract for operation and maintenance of the USGS gages which provide vital information to Lewis County Emergency Management for forecast and prediction of potential flood events.

**Motion Carried 3-0**

<b>HEARING</b>
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**Hearing: Collins Road Speed Limit**

**Chairman Averill** announced the hearing and asked for a staff report.

**Eric Martin, Public Works**, stated there is a signup sheet at the podium if anyone would like to give public comment or testimony. He stated Collins Road is a rural local access road approximately 2.5 miles in length. The roadway begins at St. Route 505. The roadway pavement is 20 feet in width with very little shoulder and the roadway surface is in satisfactory condition. A resident on Collins Road contacted Lewis County with concerns regarding the speed limit on that road. Specifically, he expressed that a 50 MPH speed limit is excessive and unsafe, especially for a road with numerous sharp

curves. He also stated that he has observed many drivers traveling at speeds exceeding 50 MPH. It is recommended that Collins Road be posted with a speed limit of 40 miles per hour. It is also recommended that a ball bank study be conducted on this road to establish safe advisory speeds through the curves, and advisory speed signs be posted accordingly.

**Chairman Averill** asked if there were any more questions. There were none. He closed the question and answer portion of the hearing and opened the formal hearing.

**Eric Martin** asked that his previous comments be adopted into the record.

**Chairman Averill** asked if there were any other statements for public testimony. There were none. He closed the hearing and asked for a motion.

**Commissioner Schulte** made a motion to approve Traffic Ordinance No. 214.

**Commissioner Grose** seconded the motion. Candace Hallow read the item into the record

**Traffic Ordinance No. 214 An Ordinance Fixing the Maximum Speed at which Vehicles May be operated over Collins Road in Lewis County, Washington: Defining Offenses and Providing Penalties for the Violations Thereof.**

**Motion Carried 3-0**

### **Hearing: 2<sup>nd</sup> 2011 Budget Amendment**

**Chairman Averill** announced the hearing and asked for a staff report.

**Dawna Truman, Budget Director**, stated The 2nd 2011 budget amendment has been published in the East County Journal on September 14th and 21st. Below is a summary of the changes affected by this budget amendment resolution.

#### **CURRENT EXPENSE:**

**Revenue: \$283,769.00**

**Expenditures: \$361,845.00**

**Fund balance: \$(78,076.00)**

- **Non Departmental 001:** Transfer in from Fund 125, Chehalis River Basin Subzone Flood Control District. During 2009 the balance of these funds were used to purchase properties that could no longer be accessed by property owners due to the destruction of Wold Road from flooding. These same properties are now sold and the Board wishes to distribute the funds. (\$42,567 to CE, \$15k to fund 126 and \$15k left in fund 125)
- **Auditor 001-102:**

- \$37,188.00 Increasing expenditures and use of fund balance due to a sick and vacation payout from an employee retiring
- \$1,942.00 Increasing expenditures and use of fund balance for repairs and maintenance for an additional 12 months of coverage under the current IBM maintenance agreement.
- **Assessor 001-104:**
  - \$33,202.00 Increasing expenditures and revenue due to an increase in funding from the WS Department of Revenue. These funds will be used to purchase laptops for the Assessor's office.
  - \$8,500.00 increasing expenditures and used of fund balance for the sick and vacation payout of two termed employees.
- **Superior Court 001-108:**
  - \$11,056.00 Increasing expenditures, revenue and use of fund balance due to an increase in funding from the Criminal Justice Treatment Account (CJTA); 10% of CJTA funds the County receives can be applied towards administrative and overhead cost associated with the operations of Drug Court. **Change to notice amount**
  - \$11,106.00 Increasing expenditures and use of fund balance for the cost associated with the retirement of a Court Reporter's sick and vacation payout.
  - \$5,000.00 Increasing expenditures and use of fund balance for cost of feeding jurors while in deliberation and an increased cost in interpreter fees due to a lengthy trial that required several interpreters from Seattle.
  - \$35,000.00 Increasing expenditures and use of fund balance for professional services such as investigation, polygraph services, Guardian ad litem on family law cases and mitigations services for death penalty cases.
- **District Court 001-109:** Increasing expenditures and use of fund balance due to an increase in sick and vacation payout from an employee retiring. In the amount of \$14,836.00
- **Self-Insurance 001-112:** Increasing expenditures and use of fund balance due to an increase in sick and vacation payout from an employee retiring. In the amount of \$15,862.00.
- **Human Resources 001-120:** Increasing expenditures, revenue and use of fund balance due to an increase in professional services and travel cost associated with arbitration hearings

**Revenue: \$2,500.00**  
**Expenditures: \$25,891.00**  
**Fund balance: \$(23,391.00)**

- **Sheriff 001-201:**
  - \$38,916.00 Increasing expenditures and revenue for the Rural Counties Drug Task Force funding, additional funding was received that was not included in the initial 2011 budget.
  - \$31,547.00 Increasing expenditures and use of fund balance for sick and vacation payouts
  - \$17,377.00 Increasing expenditures and revenues for funding from the Registered Sex Offender Address & Residency Verification Program, this is State money allocated for the purpose of verifying the address and residency of all registered sex offenders and kidnapping offenders under RCW 9A.44.130.
- **Jail 001-202:**
  - \$7,486.00 Increasing expenditures and use of fund balance for an adjustment for commissary sales tax paid to the Department of Revenue.
  - \$37,784.00 Increasing expenditures and use of fund balance for sick and vacation payouts
  - \$126,000.00 Increasing revenue and increasing fund balance due to an increase in intergovernmental corrections.
- **Coroner 001-601:** Increasing expenditures and revenue due to the Coroner's Office being awarded the Paul Coverdell Forensic Science Improvement Grant. This grant will improve the safety of staff, expedite accurate scene investigations, training for staff, reduce response time to rural areas and increase efficiencies of autopsies.

**Revenue: \$12,151.00**  
**Expenditures: \$12,151.00**  
**Fund balance: \$0**

- **Transfers 001-901:**
  - \$15,000.00 Increasing transfer out to Fund 623 and use of fund balance due to a possible cash flow issue for the Vader Water System.
  - \$2,000.00 Increasing transfer out to Fund 162 and use of fund balance for repairs and maintenance on the Sheriff's Airplane.

**OTHER FUNDS:**

**Revenue: \$1,845,573.00**  
**Expenditures: \$3,696,155.00**

**Fund balance: \$(1,850,582.00)**

- **SWWF Fund 106:** Increasing expenditures and revenue, Donation from TransAlta allowed for an additional concert at the 2011 Fair. ***Change to notice amount***  
**Revenue: \$30,000.00**  
**Expenditures: \$30,000.00**  
**Fund balance: \$0**
- **Communications Fund 107 :**
  - \$100,000.00 Increasing expenditures and revenues due to an increase in funding from the Washington State Homeland Security Grant Program. These additional funds will allow for the purchase of computer equipment.
  - \$10,000.00 Increasing expenditures and use of fund balance for the purchase of public safety radio equipment necessary due to expansion and failed systems.
  - \$10,000.00 Increasing expenditures and use of fund balance due to necessary repairs on the HVAC system in the E911 communications center.
- **Chehalis River Basin Flood Control Authority Fund 122:** Increasing expenditures and revenue, Resolution No. 11-258 approved an interlocal agreement with the State Office of Financial Management authorizing Lewis County acting as fiscal agent for the Chehalis River Basin Flood Authority to receive \$1.32 million to be used for consulting services.
- **Chehalis River Basin Flood Zone Dist. Fund 125:** Increasing expenditures and use of fund balance, transfer out to Current Expense (\$42,567.00) and Fund 126 (\$15,000.00) due to the sale of Wold Rd properties. Also increasing expenditures (\$10,000.00) in professional services.
- **Cowlitz River Basin Flood Zone Dist. Fund 126:** Revenue-Transfer in from Fund 125, increasing expenditures by \$10,000.00 for professional services and fund balance \$5,000.00.
- **Distressed Counties Fund 130:**
  - \$590,000.00 Increasing expenditures due to project funding that was awarded to the Port of Centralia. Resolution No. 11-152 approved a project for the Harrison/Kuper intersection project,
  - \$30,000.00 Increasing expenditures for a project awarded to the City of Mossyrock per Resolution No. 11-256 for the “Klickitat Prairie Park water and sewer extension” project.
  - \$246,300.00 Increasing expenditures for a project awarded to the City of Winlock per Resolution No. 11-254 to conduct the “Winlock Sewer Design and Permits” project.

- \$50,000.00 Increasing expenditures for a project awarded to The Port of Chehalis per Resolution No. 11-253 to conduct the “Curtis Rail Line Tie Replacement” project.
- \$31,380.00 Increasing expenditures for a project awarded the City of Pe Ell per Resolution No. 11-301 to conduct the “4<sup>th</sup> Avenue Sidewalk Construction” project.
- \$145,000.00 Increasing expenditures for a project awarded to the Port of Centralia per Resolution 11-255 to conduct the “Lum Road Rail Spur” project..
- **E REET Fund 132:** Increasing expenditures for professional service due to an increase in Manatron costs.

**Revenue: \$0**

**Expenditures: \$69,600.00**

**Fund balance: \$(69,600.00)**

- **Grant Award Fund 150:** Increasing expenditures and revenue, additional funds were received for the “US Coast Guard Strategic Plan of the National Recreational Boating Safety Program”. Funds will be used to cover an increase in overtime and benefits.

**Revenue: \$17,780.00**

**Expenditures: \$17,780.00**

**Fund balance: \$0**

- **Sheriff Airplane Fund 162:** Transfer in from Current Expense and increasing fund balance for additional cost for maintenance and repair on the Airplane.

**Revenue: \$2,000.00**

**Expenditures: \$0**

**Fund balance: \$2,000.00**

- **Public Health Fund 190:** Increasing expenditures, revenues and fund balance due to multiple line item and program changes due to grant increases and decreases. Below is a brief overview of some of the changes.

- Increasing the Maternal, Infant, Child and Adolescent (MICA) program for the Parenting and Pregnant Teens grant,
- Moving Medicaid ad match revenue to the MICA program from Public Health Administration along with corresponding expenditures.
- Decreasing the Oral Health program for reduced funding for the dental sealant program.
- Decreasing the HIV program due to WS budget cuts to the program. Moving a portion of salaries and benefits from Other Communicable Disease to MICA/CSHCN.
- Decreasing the Tobacco program due to reduced funding.

***Change to notice amount of increase in exp. By \$16,111.00***

**Revenue: \$32,287.00**  
**Expenditures: \$7,311.00**  
**Fund balance: \$24,976.00**

- **Senior Services Fund 199:** Increasing expenditures as Catholic Community Services (CCS) assumed responsibility for Senior Services from Lewis County including the senior nutrition program. Lewis County had received bequests to provide funding for Senior Services nutrition programs so Lewis County will pay the funds to CCS.

**Revenue: \$0**  
**Expenditures: \$99,894.00**  
**Fund balance: \$(99,894.00)**

- **Capital Facilities Fund 310:** Increasing expenditures and use of fund balance, the roof on the Coroners building is in need of replacement. *Change to notice amount*

**Revenue: \$0**  
**Expenditures: \$50,000.00**  
**Fund balance: \$(50,000.00)**

- **South County Airport Fund 407:** Increasing expenditures and revenue, for grant funds received from the FAA. Resolution No. 11-219 to be expended on a contract with W&H Pacific for engineering and project management services for the FAA approved and funded projects at the South County Airport.

**Revenue: \$72,217.00**  
**Expenditures: \$72,217.00**  
**Fund balance: \$0**

- **Water / Sewer Fund 410:** Increasing expenditures, revenue and use of fund balance, increasing salaries and benefits for Water Operator and a portion of the Public Works Director. Originally these costs were budgeted in Fund 623 Vader Water System, due to accounting requirements the salaries will be paid from Fund 410 and billed as a professional service to Fund 623.

**Revenue: \$74,145.00**  
**Expenditures: \$86,925.00**  
**Fund balance: \$(12,780.00)**

- **Risk Management Fund 505:** Increasing expenditures and use of fund balance. Additional funding needed for an increase in payments for unemployment due to the layoffs in 2010 and 2011.

**Revenue: \$0**  
**Expenditures: \$196,000.00**  
**Fund balance: \$(196,000.00)**

- **Pits and Quarries Fund 506:** Increasing expenditures and revenue. Public Works awarded a snow sand proposal project to Dulin Construction and Martin Sand and Gravel, funding for this project will come from the sale of this material to the Road Fund 117.

**Revenue: \$167,144.00**  
**Expenditures: \$167,144.00**  
**Fund balance: \$0**

- **County Insurance Fund 510:** Increasing expenditures and use of fund balance. Additional funding needed for greater than expected time loss and vocational rehab benefit paid out.

**Revenue: \$0**  
**Expenditures: \$110,000.00**  
**Fund balance: \$(110,000.00)**

- **Information Technology Fund 540:**

- \$150,000.00 Increasing expenditures and use of fund balance due to an increase in equipment purchased in bulk from ER&R.
- \$4,037.00 Increasing expenditures and use of fund balance for the sick and vacation payout due to the retirement of an employee.
- \$25,000.00 Increasing expenditures and use of fund balance for an increase computer equipment purchases; these items are purchased for the ER&R program in Fund 540 and charged to other county departments.

- **Vader Water System Fund 623:** Change in line items only, decreasing salaries and benefits and increasing professional services. Due to accounting requirements the salaries will be paid from Fund 410 and billed as a professional service to Fund 623.

- **Vader Water System Fund 623:** Increase transfer in from current expense and increase in fund balance due to a possible cash flow issue toward year end.

**Revenue: \$15,000.00**  
**Expenditures: \$0**  
**Fund balance: \$15,000.00**

**ALL FUNDS: FINAL AMOUNT**

**REVENUE: \$2,129,342.00**  
**EXPENDITURES: \$4,058,000.00**  
**FUND BALANCE: \$(1,928,658.00)**

**Chairman Averill** asked if there were any more questions. There were none. He closed the question and answer portion of the hearing and opened the formal hearing.

**Dawna Truman** asked that her previous comments be adopted into the record.

**Commissioner Grose** stated payouts for sick and vacation are painful. Today we are approving a total of \$52,321.00 in sick and vacation payouts for people who are retiring. He stated he personally has some issues with that. There are some areas that he would like to look at closer in the future. He then noted that the repair to the roof on the Coroners building is for the portion that was not part of the remodel.

**Chairman Averill** stated this is the 2<sup>nd</sup> budget amendment for 2011. Rather than run a budget amendment in June we decided to have this amendment now and that is why the change in numbers are so much larger than in the past.

**Chairman Averill** asked if there were any other statements for public testimony. There were none. He closed the hearing and asked for a motion.

**Commissioner Grose** made a motion to approve Resolution No. 11-315. **Commissioner Schulte** seconded the motion. Candace Hallom read the item into the record.

**Resolution No. 11-315 Lewis County 2011 Budget, Emergency and Supplemental Appropriations to and Transfers within Current Expense and Various Funds.**

There being no further business, the Commissioners' public meeting adjourned at 11:04 am on September 26, 2011. The next public meeting will be held Monday, October 3, 2011, 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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Ron Averill, 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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F. Lee Grose, Commissioner