

**BOARD OF COUNTY COMMISSIONERS
LEWIS COUNTY, WASHINGTON
BOARD MEETING MINUTES
January 5, 2015**

The Board of County Commissioners (BOCC) for Lewis County, Washington, met in regular session on Monday, January 5, 2015, at 10:00 a.m. **Commissioners Edna J. Fund, P.W. "Bill" Schulte, and Gary Stamper** were in attendance. **Chair Fund** 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 22, 2014. **Commissioner Stamper** seconded the motion.

Motion Carried 3-0

PUBLIC COMMENT

Hal Washburn, Cinebar, stated he would like to see the BOCC videos and minutes be posted by the BOCC in a timely manner.

Bob Bozarth, Chehalis, spoke regarding I-594.

NOTICE

Commissioner Schulte made a motion to approve the Notice Agenda item one. Commissioner Stamper seconded the motion.

1. Notice: Establishment of 2015 county road construction projects by County Forces. Resolution No. 15-001

Tim Elsea, Director of Public Works, stated pursuant to RCW 36.77.070, "If the Board 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 2015. The 2015 Annual Construction Program (ACP) was adopted by resolution 14-306 on November 17, 2014 and lists portions of the 2015 Countywide 3R Program (\$1,100,000), 2015 Countywide Misc. Safety & Guardrail (\$25,000), and Roundtree Road Slide Repair (\$150,000) as County Forces construction projects with estimated costs in excess of ten thousand dollars.

Motion Carried 3-0

CONSENT

Commissioner Schulte made a motion to approve the Consent Agenda items two through ten. **Commissioner Stamper** seconded the motion.

2. Resolution No. 15-002 Approval of Warrants for payment.

Chair Fund stated this approves 411 regular warrants for a total payment against the County in the amount of \$2,345,336.55.

3. Resolution No. 15-003 Cancellation of Warrants.

Suzette Smith, Auditor's Office, stated we have two warrants that were lost. The two warrants totaling \$95.00 will be voided and reissues.

4. Resolution No. 15-004 Designating Time and Location of Tax Foreclosure Sale.

Laura Rider, Treasurer's Office, stated this is a Resolution which recommends Friday January 30, 2015 at 9:00 am for the Tax Foreclosure Sale.

5. Resolution No. 15-005 Approving an Inter-agency Agreement with Washington State University for the Delivery of Outreach Education Programming.

Sheila Gray, WSU Extension Director, stated WSU Extension and Lewis County have held a long standing relationship through an annual Inter-agency Memorandum of Agreement (MOA). This year's MOA follows terms as per past agreements along with financial support from Lewis County in the amount of \$68,374 for the fiscal year of 2015. WSU Extension is the front door to the University. It extends non-credit education and degree opportunities to people within Lewis County. Extension builds the capacity of individuals, organizations, businesses and communities, empowering them to find solutions for local issues and to improve their quality of life. Extension is an accessible, learner-centered, providing relevant, high quality, unbiased educational programs. Extension collaborates with communities to create a culture of life-long learning.

6. Resolution No. 15-006 Contract between Lewis County Coroner's Office and Northwest Forensic Pathologists, P.S.

Chair Fund stated this Resolution is a contract between the Lewis County Coroner's Office and Northwest Forensic Pathologist, P.S. for autopsy services.

7. Resolution No. 15-007 Contract between Lewis County Coroner's Office and Brown and Sticklin Funeral Homes.

Chair Fund stated this Resolution is a contract between the Lewis County Coroner's Office and Brown and Sticklin Funeral Homes for removal services.

8. Resolution No. 15-008 Approve Contracts with Community Allied Behavioral Health, True North ESD 113, Eugenia Center, and Fresh Start for Drug and Alcohol Treatment and Prevention Services.

April Kelley, Social Services Manager, stated this approves contracts between Lewis County and Community Allied Behavioral Health (CABH), True North ESD 113, Eugenia Center, and Fresh Start for Drug and Alcohol Treatment and Prevention Services. These funds are then subcontracted with local treatment agencies to provide services and activities as defined in RCW 70.96A and WAC 388-877 and 388-877B. Contracts are effective July 1, 2014 through June 30, 2015. Contracts were delayed in getting out to providers due to contract revisions requested by DBHR in August 2014.

9. Resolution No. 15-009 Appointing Larry Mason as an Alternate Member to the Veterans' Advisory Board (VAB).

April Kelley, Social Services Manager, stated there is a vacant alternate position on the VAB which needs to be filled. It is recommended to appoint Larry Mason to the position.

10. Resolution No. 15-010 Appointing Michael Mahoney to the Lewis County Planning Commission.

Lee Napier, Director of Community Development, stated this is a reappointment of Michael Mahoney to the Lewis County Planning Commission. Mr. Mahoney has served two terms on the planning commission and would like a third term. This will be his last term and is a four-year commitment.

Motion Carried 3-0

HEARINGS

Chair Fund announced the hearing and asked for a staff report.

Glenn Carter, Prosecutors Office, stated State law, RCW 46.08.065, generally requires all vehicles owned or controlled by the county to be marked while used in public business or operated on the public highways. RCW 46.08.065 authorizes county boards of county commissioners to provide by rule or ordinance for exceptions to the marking requirements with respect to vehicles "used for law enforcement, confidential public health work, and public assistance fraud or support investigative purposes, and for vehicles leased or rented on a casual basis for a period of less than ninety days." Additionally RCW 46.08.66 authorizes the director of the Department of Motor Vehicles on the recommendation of the Chief of the Washington State Patrol to issue confidential plates where necessary for the personal security of a county officer or employee. The proposal before you adds a new section to the Lewis County Code authorizing the use of unmarked vehicles for the purposes permitted by RCW 46.08.65 through 66. We are

proposing this change because of a recent incident in Chelan County. From time to time the Lewis County Sheriff's Office is engaged in investigative activities where the use of an unmarked vehicle enhances the effectiveness of the investigation as well as provides an extra measure of personal protection to the officers involved.

Commissioner Schulte asked how many unmarked vehicles does Lewis County own at this time.

Tim Elsea, Director of Public Works, stated no vehicles except the Sheriff's Office, are unmarked.

Ron Averill asked if we are essentially passing the RCW.

Glenn Carter stated in the sense that the exception permitted by the RCW are the only exemption that we are adopting then yes.

Hal Washburn, Cinebar, asked would this proposed Ordinance allow the Sheriff to use the unmarked vehicle to issue speeding tickets or traffic control.

Glenn Carter stated the authorization under the statute is "Used for law enforcement, confidential public health work, public assistance fraud or support investigative purpose etc..." Enforcing the laws might include traffic laws.

Glenn Carter stated there were questions submitted for record purposes by Cindy Ticknor who is a former employee of the County. She has asked that those questions be answered as well.

1. How and who will authorize the use of an unmarked vehicle when an employee feels threatened?

Glenn Carter answered the Ordinance incorporates state law which provides in RCW 46.08.066 (1)(c) for the Director of the Department of Motor Vehicles to issue confidential plates standing public employee for the person security of that employee when recommended by the Washington State Patrol Chief.

2. How will you handle the public's concern of feeling threatened by a public employee in an unmarked vehicle?

Glenn Carter answered in any case where a member of the public feels threatened by public employees. He or she should contact the employee's supervisor or law enforcement or both.

3. Will your decision to allow an employee to drive an unmarked vehicle, with exception of those allowed by RCW 546.08.06, be made public?

Glenn Carter answered if the security of an employee requires the use of unmarked vehicle there might be reasons why that employee's identity is not disclosable. It will depend on the circumstances of the case.

4. Will the employees who drive an unmarked vehicle pay tax for the vehicle in accordance to the IRS tax requirement? How will you insure the tax laws are followed?

Glenn Carter answered unfortunately he was not an expert on the tax laws and that question is best addressed to a tax accountant or within our own county to the accounting services employees in the Auditor's Office.

5. How are you currently reporting unmarked vehicle use, to the IRS, for the employee's violating RCW 546.08.06 and other laws?

Glenn Carter answered I am not aware of any violation. It would be best addressed to the county employees that handle the County tax issues.

6. Why are you making these changes?

Glenn Carter answered the change was proposed in response to a recent incident in Chelan County.

Commissioner Schulte noted that we are authorizing a practice that we are currently conducting.

7. What benefit is it to the public?

Glenn Carter answered unmarked vehicles are useful in undercover investigations.

8. Will unmarked vehicles be taken home or used for out of county travel?

Glenn Carter answered some vehicles may be used for community purposes but are not authorized for personal use.

9. What audit tracking/documentation will be in place to insure these vehicles are being used for county business and not personal use or to threaten or follow people (with exception of those allowed per RCW)?

Glenn Carter answered it is dependent on the person record keeping of the individual, checking by the employees supervisor, and reports from members of the public.

10. How long will an employee be allowed to drive an unmarked vehicle because they feel threatened?

Glenn Carter answered based on RCW 46.08.066 the determination whether and for how long a public employee may drive an unmarked vehicle for person security reason will be for the DMV Director to make on the advisory of the Chief of the State Patrol.

11. Are family members allowed to ride in unmarked vehicle?

Glenn Carter answered it would depend on the facts and circumstances on whether and employee would be allowed to carry a family into his or her place of work in the vehicle.

12. How will the public know if a county vehicle is being used for personal use or when to notify the BOCC of unsafe operation or improper use if it is not marked?

Glenn Carter answered a citizen should report unsafe driving to law enforcement whether a vehicle is marked or not.

13. Have you reviewed the State Auditor's guidelines for taxing the use of public owned vehicles?

Glenn Carter answered the County Auditor's tax personnel are responsible for reviewing and applying the State Auditors guidelines.

14. How will no marking a vehicle protect an employee who feels "threatened"?

Glenn Carter answered the legislature made that determination to adopt the employee security exception into State Law.

15. Is this Ordinance being changed to protect threatened county employees or to allow certain employee to continue to drive an unmarked vehicle and go unnoticed by the public.

Glenn Carter stated the proposal is being made in response to the Chelan County incident.

Bo Rupert, Chehalis, asked what precautions are being taken to make sure this law is followed.

Commissioner Schulte stated the State Law allows the State Patrol to use unmarked cars for traffic stops so he does not see where this is against the State Law.

Bob Bozarth, asked out of the 14 questions identified how many of those questions could be answered with a yes or no.

Glenn Carter stated most of the questions are not yes or no questions.

Commissioner Schulte stated we do not know how many of the Sheriff's people are taking home an unmarked car. If you ask specifically if there is anyone in the Commissioners' Office being charged a tax for using that car for commuting the answer

is no. We cannot answer that for the Sheriff's Office. What we are doing is basically approving current practices by adopting this Ordinance. We are changing how we do business by adopting this Ordinance.

Chair Fund asked if there were any questions. There were none. She closed the question and answer portion of the hearing and opened the formal hearing.

Glenn Carter asked that his previous comments be adopted into the record.

Robin Roy, Cinebar, stated she wishes the Sheriff's Department was here so we could ask them the questions directly. She stated she is opposed to having the unmarked cars.

Hal Washburn, Cinebar, stated he feels it is dangerous having unmarked cars out there doing normal police functions.

Chair Fund stated she texted the Sheriff and he is really busy today with the flood but he estimated there are 12 unmarked cars.

Bob Bozarth, Chehalis, stated it seems to him that it is clear that the State Patrol are within their right to have unmarked cars if they are doing undercover work. There are a lot more questions than what we have answers for. He then told a story about an incident that happened when dealing with the secret service. Had a uniformed officer approached him and explained the situation, it would have been a different result.

Dennis Shain, Centralia, stated there are times when the unmarked cars make a situation unsafe. He then told a story of a personal experience with an unmarked police car.

Ron Averill, Centralia stated he thinks some of the public is missing some of the point. Cars that do not belong to the county are not the subject. All the rules regarding the cars that are marked also apply to the unmarked county cars.

Chair Fund asked if anyone else would like to testify. There was none. She closed the hearing and asked for a motion.

Commissioner Schulte stated he knows the Sheriff's Office is very busy with flooding this morning. It is unfortunate that we don't have someone in the Sheriff's Office here to answer some of the questions that the public ask. He asked if this has to be voted on today?

Glenn Carter stated he is not aware of a reason this has to be done today.

Commissioner Schulte asked to table the decision for this Ordinance and asked the Clerk to republish a Notice of Hearing.

There being no further business, the Commissioners' public meeting adjourned at 11:12 a.m. on January 5, 2015. The next public meeting will be held Monday, January 12, 2015.

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

**BOARD OF COUNTY COMMISSIONERS
LEWIS COUNTY, WASHINGTON**

ATTEST:

Edna J. Fund, Chair

**Karri Muir, CMC, Clerk of the Board
Lewis County Commissioners**

P.W. Bill Schulte, Vice-Chair

Gary Stamper, Commissioner