

**BOARD OF COUNTY COMMISSIONERS
LEWIS COUNTY, WASHINGTON
BOARD MEETING MINUTES
April 6, 2015**

The Board of County Commissioners (BOCC) for Lewis County, Washington, met in regular session on Monday, April 6, 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 Stamper** moved to approve the minutes from the 10:00 a.m. meeting held on Monday, March 30, 2015. **Commissioner Schulte** seconded the motion.

Motion Carried 3-0.

PUBLIC COMMENT

Ron Averill, Centralia, spoke about the State House of Representatives budget that was put out last Friday.

Bob Bozarth, Chehalis, said three or four months ago he had approached the BOCC supporting the Sheriff’s Office and Prosecutor’s Office in not supporting I-594 in Lewis County. He would like to know the status of this.

Commissioner Schulte stated we support this but how a Resolution is worded still needs to be discussed. **Commissioner Fund** said the commissioners are also watching what is happening on a statewide basis.

NOTICE

Commissioner Schulte made a motion to approve the Notice Agenda items one and two. **Commissioner Stamper** seconded the motion.

1. Notice: Regarding the acceptance of a bid on tax title property located off Eureka Avenue, Centralia, WA. Resolution No. 15-109

Tim Elsea, Public Works Director, stated tax parcel 002768 182 001 is a 0.16 acre vacant parcel located off Eureka Avenue, Centralia. The property was offered for sale at auction by the Treasurer due to tax delinquencies. The property did not sell at the tax sale and was subsequently deeded by the Treasurer to Lewis County. RCW 36.35.150 allows for the property to be disposed of by private negotiations providing that the final sale price is no less than the principal amount of unpaid taxes which are \$152.40. An adjacent property owner has now offered to purchase the property for \$537.40, the amount of the tax delinquency and miscellaneous Treasurer's fees. This resolution would accept the bid subject to conditions of L.C.C. 3.30.390 which requires that the proposed sale be noticed in a legal newspaper of general circulation at least once a week for two consecutive weeks.

2. Notice of Hearing: Amending the 2015 Annual Construction Program and the 2015-2020 Six Year Transportation Improvement Program (TIP). Hearing will be held on or after 10:00 a.m. on Monday, April 20, 2015. Resolution No. 15-110

Tim Elsea, Public Works Director, stated this Resolution amends the 2015 Annual Construction Program and the 2015-2020 Six Year TIP. The changes to these programs are as followed;

- Countywide Bridge/Road Bank Protection (title category) 2159E Oyler Rd MP 3.24 Bridge Scour Increase federal STP(BR) funding from \$74,000 to \$217,000 for preliminary engineering (PE) and construction (CN) in 2015.
- Pe Ell McDonald Rd MP 8.68 Bridge Scour Increase federal STP(BR) funding from \$111,000 to \$235,000 for PE and CN in 2015.
- 2015 County Safety Program Increase federal HSIP funding from \$800,000 to \$1,322,387, and add \$11,038 matching funds for PE and CN in 2015. (matching funds for PE only)
- Coughlin Road - Bridge #36 Deck Replacement Add \$10,000 of county funds in CN to TIP & ACP due to continuing work on resolution of deck surfacing issue in 2015.

Motion Carried 3-0.

CONSENT

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

3. Resolution No. 15-111 Approval of warrants and payroll for payment.

Chair Fund stated this Resolution approves 326 regular warrants for a total payment against the County in the amount of \$725,330.40. This also approves 181 payroll warrants and 457 automatic deposits dated April 3, 2015 for a total payment against the County in the amount of \$3,251,698.79.

4. Resolution No. 15-112 Bid award for the 2015-2016 Legal Printing.

Karri Muir, Clerk of the Board, stated we have received two bids. This year's bid award will go to The East County Journal.

5. Resolution No. 15-113 Declaration of surplus property.

Michael Strozyk, Director of Central Services, stated as required by Lewis County Code (L.C.C.) Chapter 3.30, Article III, the Facilities Manager shall, upon finding that personal property with an estimated value of less than \$2,500.00 is surplus to the needs of the County, shall forward a list of such property to the BOCC for review and approval.

(L.C.C. 3.30.130(2)). In an effort to streamline the process, the Facilities division presents a quarterly list of items to the BOCC for consideration and declaration as surplus property.

6. Resolution No. 15-114 Authorizing additional funds to the Southwest WA Fair Office Revolving Account.

Michael Strozyk, Director of Central Services, stated a resolution authorizing temporary bank transfers in an amount up to \$7,500.00 to be used by the Southwest Washington Fair (SWWF) Office for the Revolving Account during specific hosted interim events during the next five years. The SWWF Office currently has in existence a Fair Office Revolving Account in the amount of \$300.00 used to make change for events. During the year, the fair sponsors/hosts various interim events where the need for additional available cash for the event is necessary to provide change for parking and/or admission. This resolution will allow for temporary cash transfers in an amount not to exceed \$7,500.00 for a period of up to 30 days to be used for hosting events.

Motion Carried 3-0.

HEARING

Hearing: Non-Exclusive franchise to AT&T

Larry Unzelman, Public Works, stated L.C.C. 12.20 and RCW 36.55 require that all utility installations on county road rights of way be authorized by a franchise/license from the County. An application for a license has been received from AT&T Corporation to construct, operate, and maintain telecommunication facilities within Highway 603 Right of Way. This license would replace a previous license that recently expired. A hearing was set by Resolution 15-077 on March 9, 2015 to give all required notices to the public.

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.

Larry Unzelman asked that his previous comments be adopted into the record.

Chair Fund asked if anyone else would like to testify. There was no one. She closed the hearing and asked for a motion.

Commissioner Schulte moved to approve Resolution No. 15-115. **Commissioner Stamper** seconded.

Resolution No. 15- 115 In the matter of a nonexclusive License to AT&T Corp. to construct, operate and maintain Telecommunications Facilities in Lewis County Rights-of-Way: and setting forth conditions accompanying a grant of a

nonexclusive License; and providing for County administration and regulation of the nonexclusive License.

Motion Carried 3-0.

Hearing: Ordinance 1257 pertaining to unmarked vehicles

Glenn Carter, Prosecutor's Office, stated he has a list of letters received over the course of the last several weeks. We have new letters from Kevin Schmadeka, Mark Obtinario, Bernadene Ramey, Dan Townsend, and Thomas Dorink. Previously we had letters and comments from Cindy Ticknor, Tim Elsea, Brian Green, and from Karri Muir. Mr. Carter provided a summary of the changes to the statute. The State statute without any action by anybody on this board that the Sheriff's and local Police Departments may already use unmarked vehicles for purposes of special undercover or confidential investigations. The state law provides that the BOCC can adopt exceptions to the marking requirements with respect to other activities. In order for the Sheriff's Office to have the right to do general confidential work this ordinance must be adopted by this board. We have stricken the provision dealing with confidential plates. We have inserted the language that makes it clear what the intent of this Board is with respect to traffic control.

Brian Green, Onalaska, asked what is with all the secrecy and why is there a need for the sneaking around? Is an infraction a crime?

Glenn Carter stated it is a civil infraction which is processed in the District Court. It can be a misdemeanor and is not treated as a felony.

Walt Wilson, Chehalis, asked if the Prosecutor's Office and Sherriff's Office on an ongoing basis are committed to notifying the BOCC of what cars are used for what purposes.

Wes Rethwill, Sheriff's Office, stated the Sheriff's Office meets with the BOCC and provides a list of all the vehicles and who utilizes those vehicles.

Glenn Carter stated the Prosecutors do not have any unmarked vehicle.

Bob Bozarth asked if the County has a policy and does it have a standard for marking of those vehicles?

Commissioner Schulte stated he was not aware of a policy but all County cars, other than the Sheriff's Office are marked.

Dan Townsend asked how many Sheriff's vehicles do we have and how many are unmarked?

Wes Rethwill stated four vehicles are considered unmarked. Two of the four do have interior lights. The other two vehicles are for surveillance or undercover work. Aside from the four vehicles we have two additional vehicles, one that is used by jail staff for transport and for training. The second vehicle is for volunteers who have no police power to act on a situation. There are 16 vehicles that have spot light, big antenna, lights, with no sticker on the side of the vehicle, with 70 vehicles in our fleet.

Tami Bozarth, Chehalis, asked about the expense of the vehicles. Does the Sheriff's department have in place a policy with how many cars require markings?

Wes Rethwill stated we do not have a written policy.

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.

Wes Rethwill and Glenn Carter asked that their previous comments be adopted into the record.

Jo Coleman, Centralia, spoke against the Ordinance.

Robin Roy, Cinebar, spoke against the Ordinance

Emil Berg, Winlock, spoke against the Ordinance

Bernie Rogers, Toledo, stated he understands the purpose. He is not against unmarked vehicles but has lost trust in our government.

Jude Cooper, Onalaska, stated she agrees with the last few people who spoke. She spoke against the unmarked cars.

Walt Wilson, Chehalis, stated he feels the Ordinance should say Sheriff's vehicles are prohibited from routine traffic control.

Dan Townsend, Centralia, spoke against the Ordinance.

Bob Bozarth, Chehalis, spoke against the Ordinance.

Anne Aho, Chehalis, spoke against the Ordinance.

Ron Averill, Centralia, spoke in favor of this Ordinance.

Brian Green, spoke against this Ordinance.

Tim Elsea, Chehalis, stated it has gone on record today that his vehicle is not marked legally and he wants to go on record saying his vehicle is and has been marked legally. He read from the RCW regarding the marking of vehicles.

Commissioner Fund asked if there were any further testimony and there were none. She closed the hearing and asked for a motion.

Commissioner Schulte stated this ordinance does not intend to allow the use of unmarked vehicles to do traffic stops. We cannot change State Law, we adopt State Law, and we enforce State Law.

Commissioner Stamper stated we have had ongoing dialog on this. Through training, public awareness, as a County Commissioner, also as a citizen for sixty one years, I trust our law enforcement to make the right decisions.

Commissioner Fund stated we do have updates with the Sheriff's Office and we do get updates on how many are pulled over with unmarked vehicles, with February having none and March, one.

Commissioner Schulte moved to approve Ordinance No. 1257. **Commissioner Stamper** seconded.

Ordinance 1257- An Ordinance of Lewis County, Washington adding a new chapter to Title 10 of the County Code Enumerating Exceptions to Marking County Vehicles.

Motion Carried 3-0.

There being no further business, the BOCC's business meeting adjourned at 11:40 a.m. on April 6, 2015. The next public meeting will be held Monday, April 13, 2015.

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