

**BOARD OF COUNTY COMMISSIONERS
LEWIS COUNTY, WASHINGTON
BOARD MEETING MINUTES
December 15, 2014**

The Board of County Commissioners (BOCC) for Lewis County, Washington, met in regular session on Monday, December 15, 2014, at 10:00 a.m. **Commissioners F. Lee Grose, P. W. “Bill” Schulte, and Edna J. Fund** were in attendance. **Chairman Grose** determined a quorum, called the meeting to order and proceeded with the flag salute. **Commissioner Fund** moved to approve the minutes from the 10:00 a.m. meeting held on Monday, December 8, 2014. **Commissioner Schulte** seconded the motion.

Motion Carried 3-0

PUBLIC COMMENT

Steve Koreis-MacLeod spoke representing the Centralia Downtown Association. The lighted tractor parade drew over 10,000 spectators on Saturday night. They have plans for next year to create a full weekend event. We think we have an opportunity to get more people to our community. He said to look for a lodging tax request next year.

Bob Bozarth, Chehalis, spoke regarding I-594 and asked Lewis County to consider coming up with a Resolution to notify the Governor about the unconstitutionality of this Legislation.

Hal Washburn, Cinebar, spoke regarding I-594.

EMPLOYEE RECOGNITION

Chairman Grose recognized Susie Parker for receiving the 2014 Court Manager of the Year Award from the Court Management Council.

Chairman Grose recognized Ross Kenepah for 34.75 years serving Lewis County Sheriff's Office and Crystal Partee for 37 years of service to Lewis County.

NOTICE

Commissioner Schulte made a motion to approve the Consent Agenda items one through four. Commissioner Fund seconded the motion.

- 1. Call for Bids- for the 2015 Rock Proposal. Bids are due to the Clerk of the Board before 11:00 a.m. on January 6, 2015. Resolution No. 14-325**

Tim Elsea, Director of Public Works, stated this contract will allow Lewis County to purchase rock for the 2015 3R Program. This project is listed on Lewis County's

previously adopted 2015 Six-Year Transportation Improvement Program. This material purchase will allow Lewis County crews to complete the following work this year:

- 78 miles of chip seal Countywide
- 1.3 miles of cement-treated base

Sealed bids for the 2015 rock shall be submitted to the Clerk of the BOCC (351 N.W. North Street, Room 210, CMS-01, Chehalis, Washington 98532), by or before 11:00 a.m. on Tuesday, January 6, 2015 and will be opened on or after 11:30 a.m. on January 6, 2015. Bids submitted after 11:00 a.m. will not be considered for this proposal. This contract will be available for viewing on Lewis County's website after the successful execution of the Bid Call.

2. Request for Qualifications: To conduct feasibility study and development of a business plan for potential purchase of a short line railroad. RFQ's are due to the Clerk of the Board on or before 3:00 p.m. on January 9, 2015. Resolution No. 14-326

Commissioner Schulte stated Lewis County is seeking statements of qualifications of firms or teams qualified to design and conduct a feasibility study and develop a comprehensive business plan for the potential purchase and operation of a publicly-owned short-line railroad in the I-5 corridor in Lewis and Thurston Counties. We have an option with the City of Tacoma to purchase 22 miles of rail and what we are looking for is if it makes sense, is it worth the \$3 million, and can we get grant money to purchase it. This first step will tell us if this is a sound business decision.

3. Notice: Pertaining to competitive bidding and dispensing with advertisement and formal sealed bidding with respect to purchases and leases under \$25,000 and notice of Lewis County Vendor List and Solicitation. Resolution No. 14-327

Grace Jimenez, Auditors Office, stated this Resolution pertaining to RCW 39.04.190 requires the Auditor's Office to publish the existence of our vendor list and solicit for additional names for the vendor list. Vendors can apply to be included on the list by submitting a vendor packet to the Auditor's Office.

4. Notice of Hearing: Regarding a proposed Ordinance adding a new chapter to Title 10 of the County Code enumerating exceptions to marking Lewis County vehicles. Hearing will be held on or after 10:00 a.m. on January 5, 2015. Resolution No. 14-328

Glenn Carter, Prosecutor's 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..." RCW 46.08.065(1), (3). The proposal to be heard adds a new section to the Lewis County Code (proposed LCC 1.36.020) prescribing exceptions to the marking requirements imposed by RCW 46.08.065. The proposal would be heard by the Board of County Commissioners at public hearing to be held at or about 10:00 am on January 5, 2015 in the Hearing Room of the BOCC, at 351 N.W. North St., Chehalis, WA 98532.

Motion Carried 3-0

CONSENT

Commissioner Fund made a motion to approve the Consent Agenda items five through ten. Commissioner Schulte seconded the motion.

5. Resolution No. 14-329 Approval of warrants for payment.

Chairman Grose stated this Resolution approves 286 regular warrants for a total payment against the County in the amount of \$1,287,104.65.

6. Resolution No. 14-330 Approving the County's Indirect Cost Rate.

Amanda Migliaccio, Auditor's Office, stated the new Federal regulations in OMB 2 CFR Part 200 revised some of the rules regarding the preparation of the simplified indirect cost allocation plan, which would result in a lower prepared rate than under the prior regulations. However, the new regulation also provided the opportunity to elect to use the Federally provided de minimis indirect cost rate of 10% of Modified Total Direct Costs (MTDC). MTDC, per Section 200.68 are all direct salaries and wages, applicable fringe benefits, materials and supplies, services, travel, and subawards and subcontracts up to the first \$25,000 of each subaward or subcontract. MTDC excludes equipment, capital expenditures, charges for patient care, rental costs, tuition remission, scholarships and fellowships, participant support costs, and the portion of each subaward and subcontract in excess of \$25,000. An analysis was performed using 2013 cost data to compare the effect both rates had to indirect cost reimbursements. Based on that analysis, overall reimbursements using the de minimis rate would exceed reimbursements resulting from a cost allocation plan rate. Thus, it is in the County's best interest to utilize the Federally provided de minimis indirect cost rate when submitting for grant reimbursements. The de minimis rate is a fixed rate which will remain in effect until such time as Federal regulations require a change.

7. Resolution No. 14-331 Approving an agreement with the Washington State Office of Public Defense for Public Defense Improvement Funds.

Candy Hallom, Administrative Assistant, stated this is an agreement with the Washington State Office of Public Defense granting Public Defense Improvement Funds in the amount of \$92,863, for the period January 1, 2015 through December 31, 2015. This funding is for the purpose of improving the quality of public defense services.

8. Resolution No. 14-332 Proposed vacation of a portion of Mountain View Drive, Packwood, WA.

Tim Elsea, Director of Public Works, stated the property owners abutting the portion of Mountain View Drive have requested that the County vacate a portion of the right of way. Any and all interests other than the requesting parties will be evaluated as part of the Engineer's Report. The requesting parties have deposited a check to cover administrative and publication costs of the vacation, non-refundable once this resolution is signed, regardless of the findings and recommendations of the Engineer. Passing this resolution would instruct the Engineer to examine the road, evaluate the request, and file an Engineer's Report, as required by RCW 36.87.010 and LCC 12.15.

9. Resolution No. 14-333 Approving an inter-local with Cowlitz County for reimbursable work.

Tim Elsea, Director of Public Works, stated this Resolution will allow Cowlitz County and Lewis County to enter into an Inter-local Agreement which will govern reimbursable work performed by either Public Works forces for which the municipality does not have the capability to perform themselves. It appears to be in the best public interest to authorize the execution of the Inter-local Agreement in order to streamline the process for reimbursable work and allow use of reimbursable work orders for routine work done by County crews for each other.

10. Resolution No. 14-334 Approving inter-local agreement with Thurston County for the purpose of cost sharing in the Chehalis River Basin Flood Warning System.

Lee Napier, Director of Community Development, stated this is an inter-local agreement with Thurston County for the purpose of cost sharing in the Chehalis River Basin Flood Warning System

Motion Carried 3-0

HEARINGS

Hearing: 4th 2014 Budget Amendment-Resolution No. 14-335

Chairman Grose announced the hearing and asked for a staff report.

Steve Walton, Budget Administrator, stated this was a Hearing on the 4th 2014 Budget Amendment for Current Expense and Other Funds. Notice for the Hearing was published in the Chronicle on December 2nd and 9th. The total amendment for all funds is an increase in expenditures of \$1,358,382, and increase in revenue of \$426,136 and a use of reserves of \$932,246. The Current Expense portion of this amendment is an increase in expenditures of \$421,308, an increase in revenue of \$5,000 and a use of reserves of \$416,308.

Commissioner Grose asked if there were any questions. There were none. He closed the question and answer portion of the hearing and opened the formal hearing.

Steve Walton asked that his previous comments be adopted into the record.

Commissioner Grose asked if anyone else would like to testify. There was none. He closed the hearing and asked for a motion.

Commissioner Schulte moved to approve Resolution No. 14-335. **Commissioner Fund** seconded the motion.

Resolution No. 14-335 Lewis County 2014 Budget, Emergency and Supplemental Appropriations to and Transfers Within Current Expense and Other Funds; and Setting Budgets at Department Level in Current Expense and Fund Level for Other Funds.

Motion Carried 3-0

Hearing: Ordinance 1260 amending Lewis County Code Chapter 6.05 Animals

Chairman Grose announced the hearing and asked for a staff report.

Danette York, Director of Health and Social Services, stated a Notice of Public Hearing was held on December 1, 2014, to inform the public of the Hearing which would take place on December 15, 2014. After past decisions made in a court case out of Pierce County, we have realized that following our code as written could lead us to be out of compliance with laws. We took this opportunity to change the language in the code and to clean up some language allowing us to more efficiently handle matters related to animals within our county. Some of the changes to LCC 6.05 include:

- Having a more expansive definitive section which more closely aligns with related State laws.
- More clearly delineating which prohibited activities carry criminal and civil penalties.
- Expanding the notice requirements and procedural safeguards in place with respect to the declaration of dangerous animals.
- Providing for clear guidelines related to disposition of impounded animals allowing for Lewis County to reclaim costs associated with enforcement.

Ron Averill, Centralia, asked what other concerns we have. Are we changing anything about what constitutes a dangerous animal?

Kevin Nelson, Prosecutor's Office, stated this change is to comply with a Court of Appeals. What we changed is we are providing a full evidentiary hearing without cost to the animal owner and we are allowing them to appeal.

Commissioner Grose asked if there were any questions. There were none. He closed the question and answer portion of the hearing and opened the formal hearing.

Danette York and Kevin Nelson asked that their previous comments be adopted into the record.

Ron Averill, Centralia, stated he is pleased to hear what the function of what this new Ordinance is. He is glad to see we are developing procedures to give people the opportunity to defend themselves.

Commissioner Grose asked if anyone else would like to testify. There was none. He closed the hearing and asked for a motion.

Commissioner Fund moved to approve Ordinance No. 1260. **Commissioner Schulte** seconded the motion.

ORDINANCE No. 1260: Adoption of Amended Lewis County Code (LCC) Chapter 6.05 - Animals

Motion Carried 3-0

There being no further business, the Commissioners' public meeting adjourned at 10:46 a.m. on December 15, 2014. The next public meeting will be held Monday, December 22, 2014.

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

**BOARD OF COUNTY COMMISSIONERS
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ATTEST:

F. Lee Grose, Chair

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

Edna J. Fund, Vice-Chair

P.W. Schulte, Commissioner