

**BOARD OF COUNTY COMMISSIONERS
LEWIS COUNTY, WASHINGTON
BOARD MEETING MINUTES
July 30, 2012**

The Board of County Commissioners for Lewis County, Washington met in regular session on Monday, July 30, 2012 at 10:00 a.m. **Commissioners F. Lee Grose, Bill Schulte and Ron Averill** in attendance. **Chairman Grose** 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, July 23, 2012. **Commissioner Averill** seconded the motion.

Motion Carried 3-0

CONSENT

Commissioner Averill moved to approve Consent Agenda items one through four. **Commissioner Schulte** seconded the motion. Candace Hallom, Administrative Assistant, read the items into the record.

1. Resolution No. 12-250 Approval of warrants and payroll for payment.

Commissioner Averill stated this Resolution approves 265 warrants issued by the Auditor's Office totaling \$1,693,884.01. Also approves 258 warrants for net withdrawal on payroll totaling \$233,306.00.

2. Resolution No. 12-251 Approval of the 2012-2015 Lewis Counties Strategic Plan.

Dawna Truman, Budget Director, stated Lewis County adopted a 2009-2012 Strategic Plan on December 21st 2009 with Resolution No. 09-412. Elected officials, department directors, community leaders and key staff members have met on several different occasions in an effort to update the Strategic Plan. The updated plan covers the time period of 2012-2015. This updated Strategic Plan was developed over many months by team leaders selected for each element of government. The plan has been reviewed and amended by the Lewis County Executive Steering Committee. This resolution formally adopts the plan.

Commissioner Averill stated the Strategic Plan is a County Strategic Plan and is not just the departments under the BOCC but each of the Elected Officials as well. When you have a Strategic Plan there are some things that you can do and there are some things that are a little more difficult. In the capital budget for instance, we have some real building needs coming up within the next five to twenty years and the tickets for that is over \$40 million dollars. How quickly we will be able to do that is problematic but it doesn't mean that we don't need to do it and that is why it is in the plan.

Chairman Grose stated the Strategic Plan is based on what we recognize fits the needs of the citizens of Lewis County.

3. Resolution No. 12-252 Approving program agreement #1263-54579 with the Department of Social and Health Services, Division of Developmental Disabilities.

April Kelly, Social Services, stated the purpose of this contract is to fund employment and related services for people in our County with developmental disabilities. The funding comes from the Division of Developmental Disabilities and provides funding for the following areas:

- Administration
- Training Expenses
- Community Information
- Consumer Support

The total grant amount is \$800,727.00 to provide services to individuals with developmental disabilities.

Commissioner Averill stated out of the \$800,727.00 a large amount of this funding is going to support individual and group employment.

- Individual Supported Employment \$339,000.00
- Group Supported Employment \$290,000.00

4. Resolution No. 12-253 Approving a request for transfer of telecommunications system franchises from Worldwide Fiber Networks, Inc. to ZAYO Group, LLC.

Larry Unzelman, Real Estate Services Manager, stated Lewis County issued two 49 year franchises to Pacific Fiber Link in 1998 to install and maintain telecommunications systems on various county road rights of way. The franchises were transferred to Worldwide Fiber Networks, Inc. in 2000. Now Zayo Group, LLC has acquired the interests of Worldwide Fiber Networks, Inc. Zayo Group, LLC has applied for transfer of the franchise and has signed an agreement for transfer accepting all duties, responsibilities and obligations of the franchise. Section 9 of the existing 49 year Franchises provided for their transfer which will not be unreasonably withheld and in the opinion of the Prosecuting Attorney should be granted. The Public Works Department will review the Franchises every 5 years to ensure the ownership has not changed and that the Franchise is still being used for its intended purpose.

Motion Carries 3-0

HEARING

**Hearing: Ordinance 1239
Relating to Emergency Management**

Chairman Grose announced the hearing and asked for a Staff Report.

Ross McDowell, Emergency Management, stated we started working on this about two and a half years ago when we started using this Ordinance with the Emergency Management Program Grants. This was a consolidated effort between the BOCC, Lewis County Prosecutor's Office, and Lewis County Emergency Management. This provides a complete revision getting the civil defense statute out of the Ordinance. Resolution No. 2109 was inconsistent and could negatively impact the County when it comes to our needs and funding through the State and Federal Government. The responsibilities set forth are inconsistent so we needed to change that information and get it updated.

Commissioner Averill stated one of the requirements of federal law is continuity of government, how do you keep your government going if something should happen to the leadership. There is nothing in state law that tells us what to do; it has continuity of the Governor's Office but not at the county or city level.

Ross McDowell stated continuity of government was interesting to deal with. It took a lot of talking with the Attorney General's Office in trying to figure out what would happen. It came down to being our decision of what to do. We have decided that if only one Commissioner was left that one would make decisions until the other positions were filled. If all three commissioners were gone then it would be a consensus of all the elected officials except the judges to make the decisions on behalf of the County.

Commissioner Schulte thanked Ross for a very good product. He knows a lot of people have worked on this, putting in all the lessons learned from the last two floods. So, this is a very useful tool that we will use for the next disaster.

Chairman Grose 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.

Ross McDowell asked that his previous comments be adopted into the record.

Commissioner Averill stated he sits on the State Emergency Management Council, which overlooks emergency management for the entire State. This is an area in which, unfortunately, we have had a great deal of experience and have learned a lot. As a result of getting this particular document out along with our Comprehensive Emergency Management Plan and implementing directives we are as well situated to handle an adverse situation as any county in the State.

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

Commissioner Schulte moved to approve Ordinance 1239. **Commissioner Averill** seconded the motion. Candace Hallom read the item into the record.

Ordinance 1239 An Ordinance Repealing a 1952 Resolution “An Ordinance Relating to Civil Defense” of the Lewis County Code adopted pursuant to Resolution No. 2109, and adopting a new Ordinance relating to Emergency Management.

Motion carried 3-0.

**Hearing: Ordinance 1240- Amending
Lewis County Code 12.15, regarding road vacations**

Larry Unzelman, Real Estate Services Manager, stated on July 16, 2012 the Board of County Commissioner passed Resolution No. 12-236 which fixed the 30th day of July, 2012, at or after the hour of 10:00 am, in the Commissioners Hearing Room on the 2nd floor of the Historical Courthouse in Chehalis, Washington, as the time and place for the hearing to consider Ordinance 1240 amending Lewis County Code 12.15. Since that time notice of the hearing has been published as required. Existing Code 12.15 does not specify the compensation amounts for vacations however recent road vacations have required compensation at 30% of the appraised value of the right of way. Ordinance 1240 would amend the Code to define when compensation would be required and at what levels. The Ordinance proposes for vacation of right-of-way established 25 or more years prior to the date of the request for vacation, no compensation will be required; for those rights-of-way established more than 10 years prior to the date of the request for vacation, but less than 25 years prior to the date of the request for vacation, compensation will be at 30% of appraised value; and for rights of way established less than 10 years prior to the date of the request for vacation, compensation will be equal to the amount the county originally paid for the property or at 100% of appraised value if the appraised value is greater than the purchase price, but at no time will the county be reimbursed less than the county originally paid for the property. All other requirements specified in Lewis County Code 12.15 will remain in effect.

Commissioner Averill asked for an explanation of how we came up with the three tiered method of compensating people.

Larry Unzelman stated a vacation of right-of-way is when the county releases its interest in the county road right-of-way. It is an established right-of-way and might be held in fee by deed or the county may have a waiver or easement. When we are talking about compensation, we are talking about the monetary amount that the property owner requesting the vacation would be paying back to the county. There are other costs that go along with it such as administrative fees and publication fees. This change would not affect those fees. The biggest item in the rationale for the change is most of the right-of-way that we are vacating are old right-of-ways that have not been used in recent years. Most of those the County did not pay for and were given to the County by a waiver to build a road on. The thought is the County didn't pay for them, therefore, we should not get money back for them. The more recent right-of-ways we pay for so we would be getting back 100% of the value we paid for the property or the current value whichever is greater. The vacation of property is an agreement with the property owner.

Chairman Grose 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.

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

Chairman Grose stated this came up because there were some questions from a couple who had purchased property which had a road easement on it and they asked what the cost would be to have the easement vacated. The road had never been used. The cost would have been fairly large to get that done. That is why we looked at this Ordinance to see if there was something that we could do with it to make it a fair to the people who didn't have a hand in the original easements.

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

Commissioner Averill moved to approve Ordinance 1240. **Commissioner Schulte** seconded the motion. Candace Hallom read the item into the record.

Ordinance 1240 In the Matter of Lewis County Washington, Amending Lewis County Code 12.15, Regarding Road Vacations.

Motion Carried 3-0

There being no further business, the Commissioners' public meeting adjourned at 10:41 am on July 30, 2012. The next public meeting will be held Monday, August 6, 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:

F. Lee Grose, Chairman

Clerk of the Board
Lewis County Commissioners

P.W. Schulte, Commissioner

Ron Averill, Commissioner