

**BOARD OF COUNTY COMMISSIONERS
LEWIS COUNTY, WASHINGTON
BOARD MEETING MINUTES
March 22, 2010**

The Board of County Commissioners for Lewis County, Washington met in regular session on Monday, March 22, 2010, at 10:00 a.m. **COMMISSIONERS P.W. SCHULTE, RON AVERILL and F. LEE GROSE** were in attendance. **Chairman Schulte** 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, March 15, 2010. **Commissioner Averill** seconded the motion.

Motion carried 3-0

Notice

Commissioner Averill made a motion to approve Notice Item one. **Commissioner Grose** seconded the motion. **Commissioner Averill** read the proclamation into the record.

1. Proclamation: Proclaiming the month of April as Sexual Abuse/ Assault Awareness Month.

Katie Braae, Human Response Network, noted that this year's campaign is "Be the Solution". Everyone can be part of the solution and break the silence of sexual abuse.

Commissioner Averill made a motion to approve Notice Items two and three. **Commissioner Grose** seconded the motion. Karri Muir, Clerk of the Board read the items into the record.

2. Notice of Hearing: Regarding the amended Six-Year Transportation Program 2010-2015 and the Annual Construction Program. Hearing will be held on or after 10:00 a.m. on April 5, 2010.

Rod Lakey, Public Works, stated pursuant to RCW 36.81.121, all cities and counties are required to prepare, adopt and submit a Six-Year Transportation Improvement Program (STIP). The requirements for the Annual Construction Program are in WAC 136.316. This part of the WAC is intended to provide for an evaluation of compliance with the construction by county forces. The Jobs Bill, Rural Arterial Program (RAP), and other updates make it necessary to amend our adopted STIP and the Annual Construction Program. A hearing must be held to amend these programs. This notice sets the hearing date for April 5, 2010. Copies are available at the Public Works Department and also on the Lewis County Webpage.

3. Notice of Acceptance: Acceptance of the 2009 Countywide Base Stabilization Project. Resolution No. 10-075

Rod Lakey, Public Works, stated Lewis County is in receipt of all close out documents and Public Works has certified the completion of the contracted work for this project. It appears that the work meets the contractual obligations of the project specifications and drawings. It is recommended that the BOCC accepts the project and issues a certification of completion for the Countywide Base Stabilization Project.

Commissioner Averill stated what we are saying is that the project is complete, we have inspected all of the various projects within the Base Stabilization Project and in the County's view the job is satisfactory. We are ready to close this project. If there are any subcontractors that have any issues they have 45 days to notify the County. Is this correct?

Mr. Lakey stated that is correct

Commissioner Grose asked if we officially notify the sub contractors of this acceptance agreement, if there were any sub contractors to notify.

Mr. Lakey stated there were no sub contractors on this project.

Motion carried 3-0

Consent

Commissioner Averill made a motion to approve Consent Items four through six.

Commissioner Grose seconded the motion. Karri Muir, Clerk of the Board read the items into the record.

4. Resolution No. 10-076 Establishing a Gender Equity Policy for County Recreational Facilities.

Mike Strozyk, Central Services stated that Senate Bill 5967 was passed in the 2009 Legislative Session. The Bill states that no city, town, county, or district may discriminate against any person in a community athletics program on the basis of sex. Lewis County no longer has recreational sporting leagues, but the County still owns recreational facilities that host those leagues, so we need to adopt this resolution prohibiting any discrimination. This is a practice we already have in place, but this is a housekeeping item. This will be posted on the County website and it will be posted at the recreational facilities, and included in any rental agreement for the facilities.

Commissioner Averill stated that Title 9 was originally a Federal Bill which was designed to try to get equity to women's programs. Federal laws that are passed don't necessarily get picked up locally and the Legislature decided to pick this one up in the last session. We are complying with the local areas. He pointed out that unfortunately during previous recession we cut back our County Park Programs significantly. There are a couple of parks that have facilities where programs are done by local groups. This policy is letting those groups know that if they conduct a sports program they need to comply with gender equity.

5. Resolution No. 10-077 Extra help rate for Deputy Court Clerk.

Kathy Brack, Lewis County Clerk, stated as part of the 2010 Budget process her department had to reduce the Vault Clerk position. The person holding that position was

able to retire at the beginning of March. We are going to bring her back for a couple of days a week. There is a lot involved to work in the vault, so hiring someone with the knowledge to do the job will be tremendous help to the Clerk's Office.

Commissioner Averill stated the rate of pay will be \$18.44 per hour and will be 16 hours per week. The funding is coming from a position that was already budgeted and the person retired and we are bringing that person back.

6. Resolution No. 10-078 Approving Title III contracts with various Fire Districts

Commissioner Averill stated this resolution approves three contracts, using USFS Secure Rural Schools Title III Funds for various Fire Districts in Lewis County to ensure proper use of such funds. The recipients receiving funds for firefighting equipment are:

- Lewis County Fire District # 1 (Onalaska) \$51,000.00
- Lewis County Fire District # 8 (Salkum) \$51,000.00
- Lewis County Fire District # 14 (Randle) \$93,000.00

Motion carried 3-0

Hearing

Hearing

7th 2009 Budget Amendment

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

Dawna Truman, Fiscal stated the 7th 2009 budget amendment has been published in the East County Journal on March 10th and 17th. Below is a summary of the changes affected by this budget amendment resolution.

CURRENT EXPENSE: \$10,000

Emergency appropriations (use of reserves to cover costs) total: \$10,000

- **Coroner: \$10,000** Use of fund balance and increasing expenditures for an increase in small tools, Intergovernmental professional services and Professional Services/Medical.

OTHER FUNDS: \$70,000

Emergency appropriations (use of reserves to cover costs) total: \$44,700

- **Packwood Airport Fund: \$40,000** Use of fund balance (\$14,700) and increasing revenue (\$25,300) for an FAA project funded through WSDOT. More work was completed in 2009 than expected, resulting in more consulting fees.
- **County Insurance-Workers Comp: \$30,000** Use of fund balance due to a Labor and Industries billing for pension and disability payments arriving in February of 2010 and charged to the 2009 budget.

Total amendment \$80,000

Chairman Schulte asked if there were any questions.

Commissioner Averill stated that 2009 was a hard year and as result of that we have had to have more budget amendments than we would like to. We do not have control

over the Auditor's Office, so when expenditures are paid out of the 2009 budget an amendment may need to be done.

Chairman Schulte closed the question and answer portion of the hearing and opened the formal hearing.

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

Chairman Schulte asked if there was anyone who would like to speak for or against the Budget Amendment. There was no one. He closed the hearing and asked for a motion to approve Resolution No. 10-079.

Commissioner Averill moved to approve Resolution No. 10-079. **Commissioner Grose** seconded the motion. Karri Muir, Clerk of the Board, read the item into the record.

Motion carried 3-0

Hearing

Hearing

Ordinance 1212

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

Bob Johnson, Community Development, stated there would be two hearings being held on topics that are related. Ordinance 1212 will be to amend LCC 12.05 and Ordinance 1213 will be to amend LCC 9.10. Both of these ordinances are connected. The intent of these hearings is to adopt regulations dealing with the display and use of firearms within county parks and then to establish the county parks as "No Shooting Zones".

Currently LCC Chapter 12.05 is not consistent with the adopted State law. In 2009, the State amended the State law related to use and display of firearms in RCW Chapter 9.41. The County will adopt regulations to make County Code 12.05 consistent with the State law. This is to strike one line in section 12.05 which currently reads "It is unlawful for any person to discharge or display any firearm or weapon on park property.", and substituting with "Possession and use of firearms with in parks shall be governed by Chapter 9.41 Revised Code of Washington, as amended from time to time."

We did hold a hearing on this previously and questions were raised and we needed to address those.

Commissioner Averill noted that RCW 9.41 relates to firearms. It is rather extensive, talking about where firearms can be controlled and areas where they cannot be controlled. The most significant part of the Code is that the State reserves the right to make all regulations on use of firearms, and specifically restricts cities and counties from changing those regulations. That is different in many laws that are passed by the State, where lower jurisdictions in an area where one is restricted, they can be more restrictive or in an area where they set a certain bar, you are able to sometimes go below the bar. In this case we do not have that choice. We looked at our regulations

and the only area we needed to change was in the parks. We feel it is necessary to bring our LCC in line with the State law. The easiest way to do that is to adopt the State law by reference. The Sheriff is concerned about this and the real concern was the discharge of weapons in the parks and we do have “No Shooting Zones” in the County. The Board addressed the issue of discharge by making the county parks “No Shooting Zones”. He also said this is setting a precedent, he feels very strongly about the Second Amendment, the right of citizens to carry weapons. He also knows that there is responsibility that goes along with the amendment. Those people who are supporters of the Second Amendment do not support irresponsibility. A tone is being set here by the “No Shooting Zone”.

Mr. Johnson stated the RCW does allow the local jurisdiction to adopt “No Shooting Zones”.

Chairman Schulte 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. He asked if there was anyone who would like to speak for or against Ordinance 1212.

Mr. Johnson asked that his previous comments be adopted into the record.

Sheriff Mansfield thanked the Board for addressing his concerns on the initial ordinance and commended the Board for the courage to go forward in addressing those concerns and making the county parks “No Shooting Zones”. He is also a strong supporter of Second Amendment rights, but our parks do not need to be a place where we have people firing their weapons.

Commissioner Grose let the Sheriff know that the Hopkins Hill Viewpoint is one area we didn’t realize was county park property. We have included this as part of the Ordinance. He would like the Sheriff’s view on this. It concerns him because it is at the end of a road and he can visualize people going up and shooting guns.

Sheriff Mansfield stated they would work on this area.

Chairman Schulte closed the hearing and asked for a motion to approve Ordinance 1212.

Commissioner Averill moved to approve Ordinance 1212. **Commissioner Grose** seconded the motion. Karri Muir, Clerk of the Board read the Ordinance into the record.

Motion carried 3-0

Hearing

Hearing

Ordinances1213

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

Bob Johnson, Community Development, stated this Ordinance will amend LCC 9.10 and will establish Lewis County Parks as “No Shooting Zones”. The following will be added to LCC 9.10:

- Back Memorial Park, Chehalis, WA
- Rose Park, Chehalis, WA
- Schaefer Park, Centralia, WA
- South County Park, Toledo, WA
- Mineral Lake Swim Area, Mineral, WA
- Hopkins Hill View Point, Morton, WA
- Claquato Church, Chehalis, WA
- St. Urban Church, Winlock, WA

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

Mr. Johnson asked that his previous comments be added into the record.

Chairman Schulte asked if there was anyone who wanted to speak for or against Ordinance 1213.

Sheriff Mansfield asked that his comments from Ordinance 1212 be adopted into the record for Ordinance 1213.

Commissioner Averill asked that his comments from Ordinance 1212 be adopted into the record for Ordinance 1213.

Chairman Schulte closed the hearing and asked for a motion to approve Ordinance 1213.

Commissioner Grose moved to approve Ordinance 1213. **Commissioner Averill** seconded the motion. Karri Muir, Clerk of the Board read the Ordinance into the record.

Motion carried 3-0

There being no further business, the Commissioners' public meeting adjourned at 10:44 am on March 22, 2010. The next public meeting will be held Monday, March 29, 2010, 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:

P.W. Schulte, Chairman

Clerk of the Board
Lewis County Commissioners

Ron Averill, Commissioner

F. Lee Grose, Commissioner