

**BOARD OF COUNTY COMMISSIONERS
LEWIS COUNTY, WASHINGTON
BOARD MEETING MINUTES
June 21, 2010**

The Board of County Commissioners for Lewis County, Washington met in regular session on Monday, June 21, 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, June 14, 2010. **Commissioner Averill** seconded the motion.

Motion carried 3-0

PUBLIC COMMENT

Mimi Silvers, Centralia, WA, stated she is in favor of E-Verify. She feels that hiring illegal immigrants are taking the jobs that young people in America could do.

Stan Blunt, Aberdeen, WA, stated there is a problem in Grays Harbor County with salal contractors. There are approximately 40,000 acres covered in salal and a major contractor in the area works the land with over 300 illegal immigrants. He feels it is good to pass E-Verify so we can restrict illegal immigration.

Hal Washburn, Ollala, WA, stated he would like to provide a voice for people who do not know about E-Verify. He knows a lot of business owners in Lewis County and it is hard for them to compete with the low wages paid to illegal immigrants. He also noted that WA State is one of three where a person can obtain a driver's license without showing proof of citizenship. He feels this is a good thing for the County.

Leon Donahue, Tacoma, WA, he supports E-Verify for every county and city. He feels it is very accurate and is free to use, except for inputting the data.

Commissioner Grose stated that the City of Tacoma passed E-Verify and condemned the Arizona law. He asked if this was a conflict of interest.

Mr. Donahue stated they did not pass at the same meeting.

Bill Smith, Onalaska, WA, stated he is excited that E-Verify is going to limit the number of illegal immigrants coming into Lewis County. He noted that a lot of the terrorist come into America by crossing our borders. The Nation should not allow this to go on. He commends the Board for passing E-Verify.

Robin Roy, Cinebar, WA, stated her family lost everything because of illegal immigrant workers. She wants E-Verify passed to stand up for America and the people who live and work in Lewis County.

Roger Manecker, Cinebar, WA, stated he supports E-Verify. He feels this is a step to discourage illegal immigrants.

Ed Johnson, Cinebar, WA, stated he is concerned about our country. He feels passing E-Verify is a good thing for the County.

Commissioner Averill thanked everyone for their comments. He noted this is the third step with the E-Verify process. We are already enrolled in the program and this is the last piece.

Commissioner Grose stated this was an issue that we did not know was going on. Being a past contractor he has concerns about the burden this may put on contractors.

Right now E-Verify is free, but he feels down the road there may be a cost associated with it. He is concerned with the paperwork that will be associated with it.

NOTICE

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

1. Notice of Request for Proposals: For flood storage fish analysis for the Chehalis River Basin Flood Authority. Proposals will be opened on or after 10:00 on Monday, July 12, 2010.

Bob Johnson, Community Development stated the Flood Authority was given an appropriation from the State Legislature. A condition of the appropriation was to do the studies, that are currently being approved, have a peer review done on them. This RFP will solicit proposals from qualified consultants to do the analysis.

Commissioner Averill stated the Legislation had two things and one was the peer review. He clarified that the RFP that was going out was for the fish studies on the river. He pointed out that this is the first step of the process.

2. Resolution No. 10-154 Notice of a resolution pertaining to competitive bidding, dispensing with advertisement and formal sealed bidding with respect to purchases and leases under \$25,000.00 and notice Lewis County Vendor list and solicitation.

Commissioner Averill stated this resolution approves the notice of the Lewis County Vendor List and Solicitation and Competitive Bidding pursuant to Resolution 95-41 and RCW 39.04.190. This notice must be published in the County's Official Newspaper. This notice pertains to competitive bidding, dispensing with advertisement and formal sealed bidding with respect to purchases and leases under \$25,000.00. Notice is provided of the vendor list and solicits prospective vendors. This is an annual requirement posted by the Auditor's Office.

3. Notice of Hearing: Regarding a license to NOANET to construct, operate, and maintain telecommunications facilities on the Highway 603 right of way. Hearing will be held on or after 10:00 a.m. on Monday, July 19, 2010. Resolution No. 10-155

Larry Unzelman, Public Works stated NOANET has telecommunications facilities on Highway 603 near Napavine. Their existing license has expired and this license will serve to renew their rights to occupy the Highway 603 right of way approximately 1.5 miles northwest of Napavine. The NOANET facilities cross Highway 603 at the Bonneville Power substation. This resolution will set July 19, 2010 as the date for a hearing on the franchise. Required postings and publications will be done.

Commissioner Averill clarified that NOANET has had a license in Lewis County and they want to extend it.

Motion carried 3-0

CONSENT

Commissioner Grose made a motion to approve Consent Items four through ten. **Commissioner Averill** seconded the motion. Karri Muir, Clerk of the Board read the items into the record.

4. Resolution No. 10-156 Acceptance of Inter-local Agreement between City of Centralia and Lewis County for 2010 Byrne Justice Assistance Grant (JAG) Program Award.

Steve Walton, Sheriff's Office stated the JAG Program is the primary provider of Federal Criminal Justice Funding to State and local jurisdictions. The City of Centralia and Lewis County are jointly eligible for \$14,675.00 in JAG funding. Through a mutual agreement with Chief Berg, City of Centralia and Sheriff Mansfield, they have agreed to allow Centralia to use money to improve their mobile van unit. The benefit to the County is that it is an enhanced mobile asset and Chief Berg has agreed to allow us to use it as needed. Since all the money is going to Centralia it creates a disparate allocation situation and the grant guidelines require an inter-local agreement to be accepted between the two parties.

Commissioner Averill stated he was interested in what caused the disparity in the agreement. He discovered that because Centralia doesn't have a jail and they use our facility, this is what caused the disparate condition. Since it's both a county and a local match we have to have an inter-local agreement.

5. Resolution No. 10-157 Contract Amendment between Lewis County and the Division of Behavior Health and Recovery Services for chemical dependency treatment funds.

Tara Smith, Social Services stated this is contract amendment No. 5 for a previous biennium 2007-2009. It will allow us to close out that contract. There are Criminal Justice Treatment Account funds that are distributed by the Legislature to the State and down to the County's for chemical dependency treatment. At the end of the biennium there were unspent funds statewide from other counties. In January of 2010 they knew the amount of funding that was available for counties that may have over spent their Criminal Justice Treatment Account funds, which allows them to redistribute that funding. This contract amendment allows us to receive \$10,199.00 in additional funding.

Commissioner Averill stated another county didn't use their money and it was made available by DSHS to other counties to get the funds. This is going to go in the CJTA fund to support Drug Court.

6. Resolution No. 10-158 Approval to transfer funds for use during the Southwest Washington Fair to the revolving working account.

Michael Strozyk, Central Services, stated as we approach the Fair, we do a transfer of funds to the Fair for day to day use. One of the transfers is for \$600.00, and this goes in the cash drawer for change for advanced ticket sales. The second amount is for \$25,000.00 to support day to day operations. This transfer will be made the week before the Fair starts. It will support the day to day activities during the fair. All these funds are returned back to the Treasurer on or before August 31, 2010.

Commissioner Averill stated we are drawing out operating funds in advance of the Fair and then replenish the funds back to the County. This money is kept at Security State Bank and not on the fairgrounds.

7. Resolution No. 10-159 Approval to transfer funds for use during the Southwest Washington Fair to withdraw as needed to fill the ATM machines.

Michael Strozyk, Central Services, stated the County has a contract with US National ATM Company to provide ATM services at the SWWF during the Fair. We stock the machines that are provided to us for a fee of .75 per transaction. This resolution puts \$100,000.00 into a secure account at Security State Bank so funds can be withdrawn on an as needed basis to restock the machines. The funds will be returned to the Treasurer's Office by August 31, 2010. The contract with National ATM states they have to return the funds that are withdrawn from the machines on a daily basis within two days to us. In exchange for this service we collect .75 per transaction which amounts to about \$1,000.00 in revenue to the SWWF.

8. Resolution No. 10-160 Approving a contract between the Washington State Military Department and Lewis County Communications for E911 operational funding assistance.

Michael Strozyk, Central Services stated this is the annual contract between LC Communications Division and the State Department of Military for annual support of the LC 911 Communication Center. Every year we enter into a contract. We are one of 29 counties in the state that still qualify for support from the State Office, to enhance 911. This year the contract is in the amount of \$95,550.00. The State allows 11 items to be paid for with this money. This contract will be amended after January, 2011 and will be amended again after June 30, 2011.

Commissioner Averill stated the money we are receiving comes from the excise tax. Is it the State Excise Tax or Local Excise Tax?

Mr. Strozyk stated it comes from the State allocation.

9. Resolution No. 10-161 Requiring contractors to comply with E-Verify requirements of County awarded contracts for \$100,000 or more.

Archie Smith, Human Resources stated Federal Executive Order 13465 requires as a condition of Federal Contracts that the contractor agrees to use E-Verify. This resolution will require all contractors awarded a contract by Lewis County of \$100,000.00 or more to meet the Federal Acquisition Regulation (FAR) by providing a certified document that all employees working on the project meet the FAR standards.

Chairman Schulte asked if it was already illegal to hire illegal immigrants.

Mr. Smith stated it is.

Chairman Schulte stated this is another law that duplicates previous laws that haven't been enforced.

Mr. Smith stated that is correct. We are required to fill out an I-9 on every employee and we do that now. E-Verify is an additional process along with the I-9 requirement. This is the third step that Lewis County has taken. We follow the Federal E-Verify requirement, the employment E-Verify process, and now we are requiring contractors who do work for the County to follow the E-Verify process. He also noted that there has been an increased burden on Lewis County because of E-Verify, because we do employ casual employees.

Chairman Schulte asked if we do the I-9 process on the casual employees now.

Mr. Smith stated we are using the I-9 process now and those documents must be reviewed in person by the person that is helping the new employee fill out the paperwork.

Chairman Schulte noted that he spent 24 years in the US Coast Guard interdicting illegal immigrants. He has personally sent thousands of illegal immigrants back to their country. The problem with E-Verify is that it will not fix our border problems, it will not fix immigration problems, it will not ban illegal immigration, it does not track or deport criminals, it only adds another layer of requirements on an already burdensome process on American business. The Federal Government has to fix immigration problems. They have to secure the border, and they have to enforce laws that are already on the books. All of these things are already illegal and if a state enforces these laws they catch a lot of flak from the Federal Government and other states. Our problem with immigration isn't with double checking local contracts and requiring businesses to do this, the problem with immigration starts at the border and with the Federal Government. We either need immigration reform or enforce the laws we already have on the books or we do not need additional requirements on local businesses. For that reason, not because he doesn't agree with the citizens on immigration, he is going to vote no on the E-Verify Resolution.

10. Resolution No. 10-162 Approval of a fourth supplement to the professional service agreement between Lewis County and ESA Adolfson for consulting services in support of the Flood Authority.

Bob Johnson, Community Development stated in 2008 ESA Adolfson was contracted through Lewis County, acting as the Fiscal Agent for the Flood Authority, to provide consulting and facilitation services. This resolution provides funding for additional facilitation and consultation through ESA Adolfson. The contract is not to exceed \$298,520.00.

Commissioner Averill stated this has been passed by the Flood Authority. There was a long discussion on this because the Flood Authority is in the process of working and has already let a contract to FCS to form a Flood Zone District, which hopefully will be operating by July 2011, and will take over the responsibilities that are being performed by the Flood Authority. His concern was not that ESA Adolfson was providing a service to the Flood Authority, but he is concerned that this contract amounts to about 20% of the budget for this facilitation. Some of the things that were on the list of deliverables are not going to occur, and as a result we will have the amount down to about \$280,000.00. He believes we will have other areas we will get a better bang for our buck on this contract. As a result, the City of Centralia and he approved this contract with reservation, requesting that ESA Adolfson carefully look at the number of people they send to meetings and the need to perform certain functions to keep the expenditures down as much as possible.

Commissioner Grose made a point of order that a motion was made to approve the Consent Agenda, and we need to amend that motion if we are going to withdraw Resolution No. 10-161.

Commissioner Averill made a motion to amend the motion to approve the Consent Agenda to consider Item nine and ten separately. **Commissioner Grose** seconded the motion.

Motion carried 3-0

Chairman Schulte called for the approval the Consent Agenda Items four through eight. Motion carried 3-0

Chairman Schulte called for the approval of Consent Agenda Item number nine. Motion carried 2-1 with Chairman Schulte voting no.

Chairman Schulte called for the approval of Consent Agenda Item number ten. Motion carried 3-0. Chairman Schulte approved with reservation.

Commissioner Averill stated that E-Verify has the approval of the WA Attorney General. Lewis County has implemented this program. He agrees that there are some expectations that the citizens have about E-Verify. Lewis County can only do in E-Verify those issues that come before us. This does not have any obligation on business contracts that are made by independent businesses who are not working for the County. It only involves those on our County contracts. He supports the idea of E-Verify and we have shown that by adopting the Federal program, verification for our employees and contracts over \$100,000.00.

Commissioner Grose stated this issue is a major thing for him. In the County, we do not want to hire illegal immigrants and we do not want our contractors to hire them. The private sector is a different story. He doesn't like hearing stories where the Government is taking over businesses for hiring illegal aliens; he does not support this type of activity. He asked the citizens in the audience to take their furor to pursue the WA State Dept of L&I regarding our child labor laws, so we can get kids with experience. It is tough to hire kids in America but we can hire illegal immigrants to do the work. He encouraged them to take some of their zeal to elected officials at the State level and to people who are appointed to L&I and get this word out to them that the child labor laws are very stringent.

Chairman Schulte stated we need to support and fund agencies that do immigration. He doesn't feel th at this is the right place to do the third part of E-Verify.

HEARING

Hearing

Franchise to the Remund's

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

Larry Unzelman, Public Works, stated the Remunds have made an application to Lewis County for a franchise to provide water to their property by installation of a water line from the Boistfort water main on Lost Valley Road to their property on Wendling Road. The proposed two inch line will be capable of serving their property but will not have sufficient capacity for additional hook-ups. The County does have concern with potential for multiple service lines in the right of way in the future and the Boistfort Water System has been notified that the County's reaction to future franchise requests in this

area may require that individual franchise not be granted, but rather that Boistfort Water System extends their main line at that time.

This franchise is being granted pursuant to and in conformance with RCW 36.55 and Lewis County Code 12.25 through 12.50, for a non-exclusive Franchise to construct, operate and maintain water system facilities within County rights of way.

Resolution 10-130, passed by the BOCC on May 24, 2010, set June 21, 2010 as the date for hearing on the matter of granting a franchise for a water system on portions of Lost Valley and Wendling Roads. The franchise is for a five year term.

RCW 36.55 requires that no hearing be held on a proposed franchise grant until 5 days after the last publication date, and 15 days after posting of the notice thereof in three public places. Publication must be twice in the official newspaper for publication in the County. Publication occurred on May 26, 2010 and June 2, 2010, and the franchise was posted in three public places.

The Franchise has been reviewed and agreed to by the Remund's. The Public Works Department recommends this franchise be approved.

Commissioner Averill stated this franchise is allowing our right of way for the pipe to go in so the extension of the Boistfort Water System can go out to the Remund's property. We asked why Boistfort didn't extend the system to this property. But the Boistfort Valley is not a good place to drill wells. The Boistfort Water System suffered severe damage in the 2007 flood at great cost to the company and to the people who are part of that system. He understands the hesitation on the part of Boistfort Water at this time and asking them to bear cost of extending a mile of pipe. However there are a number of people who could join that system in between. This is an exception and any future connections along this line will have to extend out the new main line, because we do not want multiple pipes in that right of way.

Commissioner Grose asked if this was a five year renewal.

Mr. Unzelman stated it was for five years.

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

Mr. Unzelman asked that his comments be adopted into the hearing.

Chairman Schulte asked if there was anyone who would like to speak for or against the Franchise to the Remunds.

Rene Remund, Boistfort stated that Mr. Unzelman and his staff have been very helpful getting this done. He appreciates the County support in doing this.

Chairman Schulte closed the hearing and asked for a motion to approve Resolution No. 10-163.

Commissioner Averill moved to approve Resolution No. 10-163. **Commissioner Grose** seconded the motion.

Motion carried 3-0

There being no further business, the Commissioners' public meeting adjourned at 11:12 a.m. on June 21, 2010. The next public meeting will be held Monday, June 28, 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