

**BOARD OF COUNTY COMMISSIONERS
LEWIS COUNTY, WASHINGTON
BOARD MEETING MINUTES
October 11, 2010**

The Board of County Commissioners for Lewis County, Washington met in regular session on Monday, October 11, 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 Averill** moved to approve the minutes from the 10:00 a.m. meeting held on Monday, October 4, 2010. **Commissioner Grose** seconded the motion.

Motion carried 3-0

NOTICE

Commissioner Grose made a motion to approve Notice Agenda item one. **Commissioner Averill** seconded the motion. Candace Hallom read the item into the record.

- 1. Notice of *REVISED HEARING DATE*: Revising Lewis County Code 17.140 to bring local regulations in line with the State Current Use Laws, RCW 84.34. Hearing is rescheduled from October 11, 2010 to Monday, November 1, 2010**

Susan Johnson, Assessors Office, stated we had considerable community input over the last week and it brought to our attention that we had not made information as available to the public as we felt it should be, so, we are delaying the hearing to allow more time.

Commissioner Averill stated one of the things that we always need to make sure is that we give the public the opportunity to participate and need to make sure all the information needed is available and ready prior to the notice being sent out. In this particular case, we found a discrepancy in the notice and some of the information that should have been made available was not. Therefore, to make sure that the process is done appropriately, the best thing to do was to halt the process and reschedule the hearing. Based on what we have heard and some of the comments received we believe there is a misunderstanding about exactly what we are doing with this particular change to the Ordinance. These changes are to help people keep their property in a program for the long term, where originally, it was cut out of the program after ten years; it is no longer that way.

Commissioner Grose clarified this is a move on the part of the County to bring us into compliance with the State Law. This is to help people stay in an open space classification and not to take them out of it.

CONSENT

Commissioner Averill made a motion to approve Consent Agenda items two through six. **Commissioner Grose** seconded the motion. Candace Hallom read the items into the record.

2. Resolution No. 10-252 Approval of warrants and payroll for payment.

Commissioner Averill stated this resolution approves 237 warrants issued by the Auditor's Office for a total of \$1,544,821.26. Also, approves 431 automatic deposits, 206 warrants for County Net Pay, and 58 warrants for County Benefits & Employee Deductions for a total of \$4,507,135.58.

3. Resolution No. 10-253 Approving an amendment to the LC Airport Advisory Board Bylaws and Procedure Manual.

Robert Johnson, Community Development, stated in June the BOCC established a new Lewis County Airport System Advisory Board consolidating the Packwood Airport Advisory Board and the South County Advisory Board. At the same time the Board adopted by Resolution No. 10-149, rules and procedures for the new advisory board. The rules were silent with regard to officers and their election. The proposed resolution corrects this and adds sections that deal with officers of the advisory board and their elections.

4. Resolution No. 10-254 Approving the City of Vader's Comprehensive Water System Plan and amendment.

Tim Elsea, Public Works, stated Lewis County has been working with the City of Vader and State Department of Health (DOH) to transfer ownership of the water system to Lewis County through the court receivership process. Lewis County has also obtained funding for improvements to the water distribution system lines. A condition of the funding offer is that the City of Vader Comprehensive Water System Plan Amendment (Amendment) must be approved by DOH by November 1, 2010. DOH needs local approval of the amendment by the owner before they can issue final approval. We have received recommendations of approval from the City of Vader and the Vader Water System Utility Review Committee to approve the Water System Plan and amendment.

Commissioner Averill asked for information on who composes this utility review committee which was established by this Board.

Tim Elsea stated the committee consists of Commissioner Grose representing the Board of Commissioners, Dawna Truman representing the County, and Dave Holland representing the City of Vader.

5. Resolution No. 10-255 Approving the Collective Bargaining Agreement with AFSCME 1341-S representing LC Sheriff's Clerks.

Archie Smith, Human Resources, stated this is a two year contract dating from January 1, 2010 through December 31, 2011. This contract will change the insurance structure; for 2010 the insurance system will stay status quo and in 2011 they will be at a flat employer contribution rate of \$805.65. We have also given them some options on dental insurance. We said we would look at the possibility of a VEBA plan and will review it with them but we have not guaranteed them any time of transition into a VEBA plan. We have added new or updated employment law into the contract, updated the military leave provisions, made clarification of seniority and layoff, and have added the use of FMCS or PERC for grievance procedures.

Commissioner Averill asked Archie to explain VEBA.

Archie Smith stated VEBA is like a health savings account and what it is, is a voluntary employee benefit account that allows an employee to put money away, the employer may also contribute. It is very similar to a health savings account where they can put the money away tax deferred and use it for certain medical expenses.

Commissioner Averill thanked Archie for getting a contract that was good for one year instead of two months. He stated we have twelve union contracts that we deal with, two unions and two guilds each one a little different. We have tried to get some equality in what the unions have and what our non-union people get and are trying to standardize it. It has been a very difficult process. In medical insurance the unions, generally speaking, are getting a little bit more employer contributions than our non-union employees but we are having some success in smoothing it out.

6. Resolution No. 10-256 Updating the LC Policy Manual and Employee Handbook.

Archie Smith, Human Resources, stated the name of the document will be changed from Lewis County Policy Manual to Lewis County Employee Handbook. There have been a great deal of changes that have occurred over the last couple of years since the last policy update. We have had a major revision in the Family Medical Leave Act, added the Washington Domestic Violence Leave Act, Washington Pregnancy Disability Law, Washington Family Leave Act, Washington Family Care Act, written compliance with Referendum 71, updated the Workers' Compensation provision, modification of the reporting procedure for employee complaints, creation of a layoff & demotion procedure, modification of bereavement leave to allow the elected or director to authorize the use of sick time to be used for additional time off purposes, condensing or removal of irrelevant or redundant information, expansion of one-person one-job policy, expansion of technology policy information, social network/blog policy, expansion of the phone use policy, and

general housekeeping. There are a lot of changes and as it passes today we are still looking into further changes.

Commissioner Averill stated this is a large manual that is currently at 52 pages, it is binding on all the employees that work directly for the Board of County Commissioners and the other elected officials may adopt it. This is an important book for our employees and it is important to get it into the hands of everybody. The book is being put on the web page so that any employee can access it. We have also asked that all the Directors keep a copy in their office.

Motion carried 3-0

HEARING

Hearing: Ordinance 1217-E911 Excise Tax

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

Michael Strozyk, Central Services, stated he is here today with a proposal of Ordinance 1217, which is the adoption of the new E911 Excise Tax. History on this is back in 1992 the State of Washington imposed a \$0.50 per telephone line excise tax at the local level and a \$0.20 tax at the State level to support the new 911 system as it came through the State of Washington. In May of 1992 the Board of County Commissioners adopted that tax under Resolution No. 92-272. During the first special session of the 2010 legislature the State of Washington modified and changed the excise tax. They went from \$0.50 at the local level to \$0.70 and went from \$0.20 at the State level to \$0.25. In addition, they closed some of the loop holes that were in it. Previously, back in 1992, we did not have the technology that we do today for telephone service, for example voice over internet protocol. People that have that do not pay 911 taxes, even though they have access to the system. This change will surcharge or tax those phone companies the same as Qwest is currently taxed so all lines will be covered. Ordinance 1217 will repeal Resolution 91-272 effective January 1, 2011, and will impose the new E911 Excise Tax at \$0.70 per month per phone line. The State changed from \$0.20 to \$0.25 per month per line will already be imposed at that time. All monies collected by 911 are restricted funds, they can only be used to enhance and support a Countywide 911 system. They do not get deposited into the general fund and cannot be used for other services.

Commissioner Averill asked what kind of things does this tax providing to us.

Michael Strozyk stated the 911 tax provides salaries for dispatchers and the equipment to process the calls. When you dial 911 it is very different from a normal telephone call; we find out where you are calling from and can track that down through latitude and longitude up to fifty feet of where you are calling from, we can

track you as you move with a cell phone, computerized dispatch services, record management services, training, medical dispatching, and a very large span of services. Currently, we collect about \$450,000.00 to \$500,000.00 in County Excise Tax for Lewis County. The cost to provide 911 services in Lewis County is over 2 million dollars. The balance of that money comes from user fees from the police agencies and fire departments that we dispatch and from grant funds. Even though the Excise Tax comes in it is not a self-supportive system and will not be even with this change. This will help stabilize it. As we move into the next generation of 911 this will allow people to text and send video to the 911 Center.

Commissioner Averill stated many times during an emergency call, we get people that are rather distraught, someone is violently ill or something else has happened, and often times one of the problems for the dispatcher in 911 that receives that call is identifying who that person is and where they are located. The system is designed to give assistance to our operators so we can get to them.

Commissioner Grose asked about the collection and disbursement of this tax as it will be different from what we have done in the past. He stated he would like to see us track this better so that we are assured that we are getting what the State says we are supposed to be getting from this.

Michael Strozyk stated currently the telephone companies that do business within Lewis County remit funds per number of subscribers directly to the Lewis County Communications Center. We then take the checks and process them through the Treasurer's Office in Lewis County. We report our numbers every month to the State Department of Military 911 division on how many subscribers are in Lewis County and how much we have collected. Under the new system, we will enter into a contract with the Department of Revenue (DOR). In addition, the phone companies that are collecting the tax will enter into an agreement with the DOR and will then pay the DOR directly. The DOR within 30 days of the collection of that tax under the agreement that we will have with them, will remit those funds that are due to Lewis County minus a one percent handling fee and will also provide us with the number of subscribers. We will have to compare those the best that we can with what we have collected in the previous years to make sure all the funds are still streaming down.

Commissioner Grose stated he is concerned that we are not giving the State back more than what they are giving to us.

Michael Strozyk stated not only is the State going to stream off the one percent of the \$0.20 increase in the Excise Taxes imposed by the State Legislature, they are going to stream off one percent of all the Excise Tax which means one percent of the money that we are currently processing locally. At the State level we stream off a quarter of a million dollars from the \$0.20 State tax. We received about \$115,000.00 in cash and then receive State wide services, which is a data base charge, that hasn't been set for the year yet because it is billed out monthly, and the State pays it directly. We are thinking that is around \$160,000.00 to \$185,000.00 this year along. This also includes a language line for translation which the State

also pays for. One of the issues that have come up with this new Excise Tax is if you do not tax at the new rate you then become ineligible for all State wide services.

Chairman Schulte asked if there were any questions.

Merlin Chase, Vader, stated he is on a private road and the cost of ambulances every time they come up there, which has been four or five times in the last two month, is a waste of money. They always come with two ambulances and a fire engine, and he asked why they cannot come up there with just one ambulance.

Chairman Schulte stated the hearing is regarding the Excise Tax and each of the Fire Districts has elected Fire Commissioners and they don't operate under this Board. We do have some control over the Ordinance on county roads but the individual policies on who they send and how they send people is outside of our scope of authority. The Fire Districts collect their own tax money and it goes to them, the Lewis County Treasurer holds that pot of money but she has no control over how it is spent.

Commissioner Averill noted that the reason two ambulance show up is the first ambulance has the EMT to give immediate onsite support but they are not authorized to carry unless it is an emergency and they cannot wait to carry. The second ambulance is normally AMR or a service like that which is contracted to carry to the hospital. He Stated he is not sure on the fire engine and you would have to talk to your Fire Commissioners about that.

Michael Strozyk clarified the Excise Tax is strictly for processing the 911 calls and the 911 center.

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.

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

Commissioner Grose commented on the Ordinance stating this all seems a bit big brotherish to him. It is one of those necessary evils in the way we live today. The time it takes for responses for 911 calls has dropped considerable for the most part both locally in the Centralia, Chehalis area and in the outlying areas. Last year we instituted the code red reverse 911 system in the County and we had the first opportunity to go live with that this last week when a water main broke in the City of Toledo. We had a good response on that, it allowed us to put a call out to all the people in the area that were effected and told them what was going on and when it was expected to be back on line.

Commissioner Averill stated this is a very important service that modern technology allows us to do and while we can appreciate the big brother aspect of it, there are some that feel the government is going to know where they are and we

can't hide from them. Unfortunately, that is not always the case and sometimes leads to tragedy. In a rural county such as we are in, with all the distances we need to travel in order to respond, having a working system is very important to us. One of the issues with the State wide 911 is to make sure rural areas do get the quality of services that are available in the cities. This is an area where we haven't had to put county funds into it, it is a fee based system, we do get some money back from the State but in order to do that we have to pay a price. Most of the Counties have already adopted this and while we don't like in hard times to raise fees in this case it is a warranted fee.

Michael Strozyk stated we have to have this passed, signed, and delivered back to the State of Washington Department of Military no later than October 15, 2010. Failure to do so would take us out of the first quarter funding for 2011. He stated he had the opportunity yesterday to use the Pierce County 911 system, after waiting on hold for over three minutes he got frustrated and hung up. This doesn't happen in Lewis County, we have excellent staff that work hard and because of the funding that we do receive we are able to provide a service that is equal to none as far as timelines go and this is a continuation of making that happen.

Merlin Chase, Vader, asked the BOCC to explain what code red is.

Commissioner Grose stated code red is a reverse 911, which allows us to dial in a number and places a call to all the phones that are listed in the specific area. So if there is an emergency that happens we can put out a call to people telling them we have an emergency situation and this is what you should prepare for. It is instituted at the County and was put into effect last year and last week was the first time we have gone live with it.

Chairman Schulte stated it is a computer based system and you either divide it up by region, area code, or map it and it will call back and dial cell phones, send emails, or dial landlines and let them know what the emergency is.

Michael Strozyk stated the system activation has to meet certain criteria and has to be at the request of an agency. The agency has to provide the parameters and the language for the message.

Chairman Schulte asked if there are any other statements for public testimony. There were none. He closed the hearing and asked for a motion to approve Ordinance 1217.

Commissioner Averill made a motion to approve Ordinance 1217. **Commissioner Grose** seconded the motion. Candace Hallom, read the item into the record.

Ordinance No. 1217 Adding a new Chapter 3.40, Enhanced 911 Excise Tax, to the Lewis County Code and Imposing said Tax.

Motion carried 3-0

Commissioner Averill made a motion to approve Resolution No. 10-257. **Commissioner Grose** seconded the motion. Candace Hallom, read the item into the record.

Resolution No. 10-257 Approving an agreement with the Washington State Department of Revenue for the collection and administration of E911 excise tax as allowed under Lewis County Ordinance No. 1217.

Motion Carried 3-0

There being no further business, the Commissioners' public meeting adjourned at 10:49 a.m. on October 11, 2010. The next public meeting will be held Monday, October 18, 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