

**BOARD OF COUNTY COMMISSIONERS
LEWIS COUNTY, WASHINGTON
BOARD MEETING MINUTES
October 10, 2011**

The Board of County Commissioners for Lewis County, Washington met in regular session on Monday, October 10, 2011 at 10:00 a.m. **Commissioners Ron Averill, P.W. "Bill" Schulte, and F. Lee Grose** were in attendance. **Chairman Averill** determined a quorum, called the meeting to order and **Commissioner Schulte** proceeded with the flag salute. **Commissioner Schulte** moved to approve the minutes from the 10:00 a.m. meeting held on Monday, October 3, 2011. **Commissioner Grose** seconded the motion.

Motion Carried 3-0

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| NOTICE |
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Commissioner Grose moved to approve the Notice Agenda. **Commissioner Schulte** seconded the motion. **Chairman Averill** read the proclamation into the record.

1. Proclamation: Proclaiming the month of October as "Domestic Violence Month".

Proclaims October 2011 as 'Domestic Violence Month' in Lewis County and urges all community members to recognize the serious impact of all domestic violence, to support victims, and to embrace the significant role each of us can play in prevention of domestic violence.

Joan, a member of the public, addressed the Board thanking them for recognizing October as Domestic Violence Month and help in the plight of breaking the cycle of domestic violence.

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| CONSENT |
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Commissioner Schulte moved to approve the Consent Agenda items two through fourteen. **Commissioner Grose** seconded the motion. Karri Muir, Clerk of the Board, read the items into the record.

2. Resolution No. 11-321 Approval of warrants and payroll for payment.

Approves 210 warrants issued by the Auditor's Office for \$866,910.17. Also approves 427 automatic deposits, 180 payroll warrants for net pay, and 62 payroll warrants for benefits/deductions for a total \$3,182,205.15.

3. Resolution No. 11-322 Designation and appointments to the Washington Counties Risk Pool.

Risk Management Director Paulette Young stated the Washington Counties Risk Pool Interlocal Agreement and bylaws require that each member county's legislative authority appoint one director and at least one alternative director from the county offices or employees for the Pool's Board of Directors. The Interlocal also requires each county's Board of County Commissioners appoint a Risk Manager and appoint an active Safety Officer.

1. Approves Lewis County's appointments to the Washington Counties Risk Pool as follows:

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| a. Director | F. Lee Grose |
| b. Alternate | Paulette Young |
| c. Risk Manager | Paulette Young |
| d. Claims Administrator | Paulette Young |
| e. Safety Officer | Paulette Young |
| f. Prosecuting Attorney | Jonathan Meyer |
| g. Deputy PA (Civil) | David Fine |

4. Resolution No. 11-323 Approving a collective bargaining agreement with Teamsters Local 252 representing the Supervisors Group (Public Works, Central Services.)

Human Resources Administrator Archie Smith stated the Collective Bargaining Agreement between Lewis County and Teamsters Local 252 is being presented for approval. The term is one year 1/1/2011- 12/31/2011. There is no COLA for the year but STEP increases are provided. For 2011, employer health and welfare financial contributions were unchanged from the previous year. Other issues addressed during negotiations were CDL exam for supervisors and creation of Road Maintenance Supervisors. Contracts extend to the end of 2011.

Chairman Averill discussed the delay associated with the approval of contracts. He also stated that during negotiations, we are operating from previous contracts and contracts are backdated when approved for the current year.

5. Resolution No. 11-324 Ratifying the County Fire Marshal order, lifting the outdoor burning ban.

Community Development Director Bob Johnson spoke regarding this being a housekeeping measure. The Burn ban has been in effect since July 2011. It applies to the fire season when danger is the highest, and is imposed primarily based on moisture content in materials in unincorporated areas. The burn ban was lifted Oct 1, 2011, 12:01 am as moisture content is above 19%. Burn permits are now available online and notices have been sent to the media and public regarding lifting of the burn ban.

Chairman Averill says Lewis County didn't impose a ban until Aug 24. The Department of Natural Resources did impose a ban in July for Department of Natural Resources lands. Bob Johnson agreed with Chairman Averill's correction. Chairman Averill noted that due to our rainy spring/summer, Lewis County did not impose a burn ban until August 24, 2011.

6. Resolution No. 11-325 Approving contracts with Reliable Enterprises, Lewis County Work Opportunities, and Morningside to provide employment services to adults with developmental disabilities.

April Kelley from Lewis County Public Health and Social Services stated the period for the contracts is July 2011 - June 2012. The State Department of Developmental Disabilities contracts with Lewis County to oversee and administer grant money for employment services to adults with developmental disabilities. This municipal service subcontract requires that Reliable Enterprises, Morningside, and Lewis County Work Opportunities provide employment services to adults with developmental disabilities who reside in Lewis County.

Funding not to exceed \$584,919.00 will be distributed to:

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|---------------------------------|--------------|
| Reliable Enterprises | \$329,029.00 |
| Morningside | \$185,070.00 |
| Lewis County Work Opportunities | \$ 70,820.00 |

Chairman Averill clarified that Lewis County only manages contracts, it doesn't run programs, but instead utilizes and allocates funding to providers in the community to administer services to clients.

7. Resolution No. 11-326 Approving a professional service contract with the Divisional Behavior Health and Recovery Services for funding for chemical dependency treatment and prevention services.

Tara Smith of Lewis County Public Health and Social Services stated this contract comes through DSHS through the Division of Behavioral Health and Recovery Services. It is a two-year contract running July 1, 2011 and ending June 30, 2013 and will be subcontracted to providers in the community who provide the direct services.

| | State | Federal | Total Amount |
|--|-----------|---------|--------------|
| 2011 County Budgeted Amount | 444,234 | 132,248 | \$576,482 |
| Total Contract July 1, 2011-June 30, 2013. | 1,168,758 | 369,924 | \$1,538,682 |

Chairman Averill stated that for the last few years, the passing of the budget has not occurred at the end of the regular session, but rather when the legislature has gone into extended session. Appropriations to 39 counties and service providers are way behind schedule. Also, the legislature is going into session November 28 to discuss cutbacks, which might impact this funding.

8. Resolution No. 11-327 Approving a Medicaid Administrative Match Contract with the State of Washington Health Care Authority.

Danette York, Director of Lewis County Public Health and Social Services Department, explained that the Medicaid Administrative Match (MAM) program starts at the federal level through Centers of Medicare and Medicaid Services (CMMS). CMMS contracts with states, which then contract with agencies at the local level. This program is an attempt by CMMS to reimburse local agencies for time spent helping indigent populations enroll in programs for which they are eligible as often these clients are unable to pay for services. Local agencies are reimbursed for 50% of the time spent helping these clients.

Previously this contract was with the Department of Social and Health Services at the state level. The State of Washington has moved the contract to its new Health Care Authority, necessitating Lewis County's having to re-do the contract.

The following table shows the historical and projected amounts for several years:

Medicaid Administrative Match Historical Data

| | 2009 | 2010 | 2011 |
|----------|------------|------------|------------|
| Budgeted | 120,000.00 | 134,000.00 | 75,000.00 |
| Received | 113,462.75 | 80,475.90 | *40,176.70 |

*to date – 2 quarters received

Chairman Averill inquired regarding the contract's not exceeding \$75,000. Danette York stated it could exceed \$75,000, but she did not expect it to do so based on what has been received in the past. Reimbursement is for 2012, but the contract extends to September 2014.

9. Resolution No. 11-328 Approving bylaws for the Lewis County CD-MH-TC Sales Tax Advisory Board.

A Chemical Dependency-Mental Health-Therapeutic Court Sales Tax Advisory Board was established on August 29, 2011 per Resolution 11-293 by the Lewis County Board of County Commissioners.

The Advisory Board was made up of community members invested in improving the health of Lewis County citizens to make recommendations to the BOCC concerning the use of the proceeds of the tax and to provide advice to the BOCC concerning the prioritization, selection, and evaluation of programs funded by the .1 of 1% sales tax.

Danette York, Director of Public Health and Social Services, presented the bylaws on behalf of the CD-MH-TC Sales Tax Advisory Board for review and final approval, mentioning that the initial terms of members are to be staggered, so will eventually change.

Chairman Averill commented that these bylaws appeared standard with regard to membership, officers, how amended, etc. He also said that the new staggered terms would have to be passed in an amendment resolution.

10. Resolution No. 11-329 Approving a Housing and Essential Needs Grant with the Department of Commerce.

Michaëlle Sorlie from Public Health and Social Services stated that this contract will provide funds for Lewis County Medical Care Service recipients to provide rental assistance, utility assistance, and essential needs services to homeless and at risk persons. These funds will be used according to Department of Commerce, Housing and Essential Needs Grant guidelines. The Housing and Essential Needs Grant (HENG) is one of the programs created by Engrossed Senate House Bill 2082 that terminates the Washington State Disability Lifeline Program. These funds are awarded to counties to be distributed to Homeless Housing agencies.

The contract is Sept 15, 2011 – June 30, 2013, and totals \$834,438.00. Providers are Reliable Enterprises for 'at risk', Lewis County Shelter Program will oversee the homeless and Salvation Army and Human Response Network will distribute the essential needs portion.

Commissioner Grose spoke regarding the legislature's possible funding cuts for this program and urged the public to contact the legislature if concerned about possible cuts in funding.

11. Resolution No. 11-330 In the matter of the proposed acquisition of additional right-of-way for Boyd Road, Randle, WA.

Larry Unzelman, Real Estate Services Manager for Lewis County Public Works, stated Boyd Road suffered slide damage that was identified in January 2009. The County plans on stabilizing the slope and to repair slide damage. The project will require right-of-way acquisition from one property owner. FEMA has designated funds for this project by PW1860. The resolution would grant authority to Lewis County Public Works to acquire necessary additional right-of-way to complete the slide repair project.

Procedures for acquiring necessary right-of-way were adopted by Resolution 09-381 and will be followed in this project.

Commissioner Averill questioned if this is the second acquisition on Boyd Road, Larry Unzelman confirmed it was, and that the first slide repair project requiring an acquisition was complete.

12. Resolution No. 11-331 Approving renewal of a rental agreement with the WA State Department of Natural Resources for use of a radio communications site on Burley Mountain.

Larry Unzelman, Real Estate Services Manager, stated the County leases its Burley Mountain Radio Communication site from the US Forest Service (USFS). The County subleases the site to State of Washington Dept. of Natural Resources (DNR) for its communications uses. The rental agreement with DNR expired on June 30, 2011 and DNR has requested it be renewed. The proposed renewal agreement would extend the lease for five additional years through June 30, 2016. The annual rent of \$250 remains unchanged. The USFS does not charge the County for use of the site. The \$250 charge to DNR is for use of the County's building and tower.

13. Resolution No. 11-332 Approving renewal of a rental agreement with the WA State Department of Natural Resources for use of a radio communications site on Hopkins Hill.

Larry Unzelman, Real Estate Services Manager stated the County leases Hopkins Hill Radio Site from Longview Timber. The County has subleased the site to DNR for its communications uses for many years. The rental agreement with DNR expired Aug 31, 2011 and DNR requests renewal until August 31, 2016. The annual rent is increased from \$850 to \$1150, which covers increased costs for subleases to the County in its lease from Longview Timber.

Chairman Averill differentiated the two aforementioned leases in regard to costs by stating that the County is charged more by Longview Timber; in both cases, a nominal charge is for the use of the towers and the buildings.

14. Resolution No. 11-333 Approving an administrative agreement with Howard A. and Susan D. Hoffman.

Larry Unzelman, Real Estate Services Manager, stated that Resolution 10-099, passed in 2010, instructed the County Engineer to acquire additional right-of-way necessary for improvements on Koontz Road, located southeast of Napavine. The Koontz Road widening project is part of the County's Secure Transportation Improvement Program.

An offer of \$6,700 was made March 23, 2011 to property owners Howard A. and Susan D. Hoffman for 16/100 of an acre of land. The Hoffmans rejected multiple offers and finally agreed on September 22, 2011 to accept \$15,000 for the property.

Chairman Averill commented that this project to widen Koontz Road is due to increased commercial traffic between Highway 99 and Napavine.

Chairman Averill called for the vote of Consent Agenda Items 1-14 and Resolution Nos. 11-323 through 11-333. Consent Agenda was approved 3-0.

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| HEARING |
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- **Hearing: Vacation of R.P Jones Road-Vacation No. 11-002A**

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

Larry Unzelman of Public Works stated no one signed up for public comment. Greg Snelson provided a summation of the matter. The proposal for vacation was born from a request of three property owners, whose property joins this portion of R. P. Jones Road, for the County to vacate. On September 12, 2011, the County Road Engineer filed a report stating the County is not maintaining this portion of R. P. Jones Road. All property owners have been granted an easement over the portion of the R. P. Jones Road to be vacated. Utilities that serve the area have been notified and have no objection to vacation of the portion of the road. The road does not abut a body of water, nor is it part of the County road system.

It is the opinion of the County Engineer that the portion of the road should be vacated for the reason that the public will benefit by its vacation by eliminating jurisdictional responsibilities and returning the property to the tax rolls.

Chairman Averill asked if there were any questions from the Board or Audience. There were none. He closed the question and answer portion of the hearing and opened the formal hearing.

Greg Snelson, asked that his previous comments be adopted into the record. Chairman Averill asked if there was anyone who wanted to speak for or against the Vacation of R.P. Jones Rd. There was no one. He closed the hearing and asked for a motion to approve Vacation No. 11-002A

Motion to approve Vacation No. 11-002A was made by Commissioner Grose, Commissioner Schulte the seconded motion. Karri Muir, Clerk of the Board, read the Order for Vacation No. 11-002A into record.

Motion carried 3-0.

- **Hearing: Ordinance No. 1226 Amending Ordinance No. 1224 to add a law enforcement representative to the CD-MH-TC Sales Tax Advisory Board.**

Danette York, Director of Public Health and Social Services, stated Ordinance 1224 was passed in regular session on June 20, 2011. Section 6 Advisory Board stated that a continuing advisory board would be established and consist of no more than nine members. Of those nine members, two were identified to be citizens of Lewis County appointed at large. After the ordinance was passed, it was determined that there was a need for a representative of Lewis County law enforcement to be included on the advisory board. This member will now be included in the ordinance, which will change the two citizens of Lewis County appointed at-large to only one citizen.

Chairman Averill added that this was predominantly a housekeeping change; number of members remains the same. He asked if there were any questions from the Board or audience. There were none. He closed the question and answer portion of the hearing and opened the formal hearing.

Danette York asked that her previous comments be adopted into the record.

Chairman Averill asked if there was anyone who would like to speak for or against Ordinance 1226. There was no one. He asked for a motion to approve Ordinance 1226.

Commissioner Schulte moved to approve, seconded by Commissioner Grose. Karri Muir, Clerk of the Board, read the Ordinance 1226 into the record.

Motion carried 3-0.

- **Hearing : Ordinance No. 1231 Amending Ordinance No. 1225 related to the moratorium on Medical Marijuana Gardens**

Glenn Carter, Chief Civil Deputy and Community Development Director Bob Johnson addressed the Board. Bob Johnson stated Ordinance No. 1225 was adopted August 15, 2011 imposing a moratorium on the receipt and acceptance of applications for land use development of any kind requiring county renewal, review or approval for community medical marijuana gardens. The original ordinance was to expire 60 days following its imposition. Ordinance No. 1231 would extend the expiration of Ordinance No. 1225 by an additional four months.

Glenn Carter spoke on behalf of Lewis County Prosecutor Jonathan Meyer regarding their work on developing regulations that would harmonize federal and state law with respect to community medical marijuana gardens. Regulations are likely to include prohibitions on locations (parks, schools, bus stops, or playgrounds, for example) and security measures intended to protect against public access to said gardens and to prevent escape of non-native plants into the wild.

Chairman Averill commented that after Lewis County adopted its moratorium, other jurisdictions adopted same. Glenn Carter agreed, adding that the City of Centralia and City of Chehalis were among those jurisdictions. Presently, Lewis County has ongoing discussions and contacts with these jurisdictions regarding this matter.

Glenn Carter explained a bit about the federal government's action against the State of California regarding this issue. The U. S. Attorney's office in California had made it clear that although there had been some talk of intent not to prosecute certain drug offenses, it was, in fact, their intent to disallow large-scale commercial operations. Comments made by spokesmen for the U. S. Attorney's Office in California and Department of Justice in California this past weekend indicate they feel that line has been crossed in California, that there are large-scale commercial profit-making operations and that was not the intent of the state legislature when it decided not to prosecute certain kinds of drug activity. Underlying is the supremacy of federal law, which is very tight in respect to marijuana gardens; and it is Glenn Carter's understanding that the federal government is going to clamp down on large-scale, profit-making operations.

At the time this was an issue in Washington, U.S. attorneys for the E. District and W. Districts of WA issued a joint letter regarding this issue. Chairman Averill commented on federal prosecution imposed on state lawmakers; Glenn Carter responded that the Governor had concern that state officials could be held liable for violations for federal marijuana laws if they permitted such gardens. Although the state ensured that state officials would be protected, the state did not do so with respect to local governing officials.

Chairman Averill asked if there were any questions from the Board or the audience. There were none. He closed the question and answer portion of the hearing and opened the formal hearing.

Bob Johnson and Glenn Carter's asked that their previous comments be entered into the record.

Mr. Ken Bell of Vader, WA, stated he is for the moratorium as he doesn't want Lewis County to turn into another Seattle, whereby dispensaries are 'head shops on steroids' and are not what most medical marijuana patients seek. He wants to see grow operations very confined, not near schools, etc. He feels the biggest issue regarding dispensaries is to keep them out of the public eye and keep grow operations small. Commissioner Grose commented that Lewis County does not want to be 'little King County' and/or 'little California' in the state of Washington, which it appears King County already is. He opposes medical marijuana gardens in Lewis County and if marijuana deemed a prescription drug in the future, he thinks it should be gotten through pharmacies.

Don Iddings, Vader, spoke regarding taxation of marijuana gardens, suggested 50%.

Chairman Averill reiterated that at this time we are not discussing specifics of what to do with medical marijuana gardens, but merely extending the moratorium that had been established for sixty days out to six months. He closed the hearing and asked for a motion to approve Ordinance 1231.

Motion to approve Ordinance No. 1231 was made by Commissioner Grose, seconded by Commissioner Schulte.

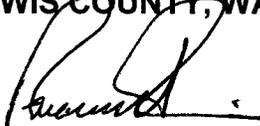
Karri Muir, Clerk of the Board, read Ordinance 1231 into the record.

Motion carried 3-0.

Commissioner Schulte moved to adjourn, Commissioner Grose seconded. Meeting adjourned 11:04 am.

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**



Ron Averill, Chairman

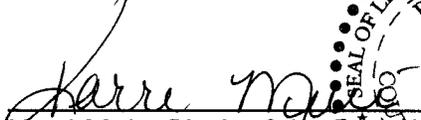


P.W. Schulte, Commissioner



F. Lee Grose, Commissioner

ATTEST:



Karri Muir, Clerk of the Board
Lewis County Commissioners

