

LEWIS COUNTY BOARD OF COUNTY COMMISSIONERS (BOCC)

Business Meeting minutes

August 3, 2020

Present: Commissioner Stamper, Commissioner Fund, Commissioner Jackson (conference phone)

Recorder: Lara McRea

Commissioner Stamper called the meeting to order at 10:00 a.m., determined a quorum and then proceeded with the flag salute.

PUBLIC COMMENT

No public comment.

Commissioner Fund made a motion to add to the agenda the following items:

- **Resolution 20-261:** List the bids received and contractor selected for the Pleasant Valley Road MP 2.46 Bridge Scour Repair Project, Federal Aid Project No. BHOS-2021(054), F.A. Agreement No. LA 9268, County Road Project No. 2159-J.
- **Resolution 20-262:** Extend the local declaration of a state of emergency in response to the COVID-19 virus in Lewis County.

Commissioner Stamper seconded.

Motion passed 3-0.

CONSENT ITEMS

Commissioner Fund made a motion to approve minutes from the July 27, 2020, meeting as well as Resolution 20-260. Commissioner Jackson seconded.

Resolution 20-260: Approval of warrants/claims against the various county departments.

Chief accountant Suzette Smith, representing the Auditor's Office, said warrants numbered 831,171 through 831,214 were issued on behalf of Special Purpose Districts as approved by their Commissions and are noted as a skip in sequence. She said warrants numbered 831,215 through 831,403 were issued in July for payments against the county totaling \$2,422,816.57. She said payroll/tax deposit warrants numbered 795,775 through 795,778 and Automatic Deposits 14,267 through 14,875 were approved for payments against the county totaling \$1,705,273.73.

Motion passed 3-0.

DELIBERATION ITEMS

Commissioner Fund made a motion to approve Resolutions 20-261 through 20-265. Commissioner Jackson seconded.

Resolution 20-261: List the bids received and contractor selected for the Pleasant Valley Road MP 2.46 Bridge Scour Repair Project, Federal Aid Project No. BHOS-2021(054), F.A. Agreement No. LA 9268, County Road Project No. 2159-J.

Public Works Director Josh Metcalf spoke to the resolution. He said this is the listing of the bids and the contractor selected for the Pleasant Valley Road MP 2.46 Bridge Scour Repair Project. Public Works put out a call for bids on June 29 and bids were due back to Public Works by July 14. Josh said the county received two bids and that the lowest responsive bid was from Roglin's Inc. out of Aberdeen at \$613,069. The engineer's estimate was \$469,846. The project is fully federally funded by FHWA at 100%.

Resolution 20-262: Extend the local declaration of a state of emergency in response to the COVID-19 virus in Lewis County.

Emergency Management Deputy Director Andy Caldwell spoke to the resolution. He noted this is the extension of the local declaration of a state of emergency in response to the COVID-19 virus. The extension is needed because the county is still using emergency funds.

Resolution 20-263: Accept an agreement between Lewis County and Washington State Military Department for the 2019-20 Emergency Management Performance Supplemental Grant and authorizing signatures thereon.

Emergency Management Deputy Director Andy Caldwell spoke to the resolution. He said this is the acceptance agreement between Lewis County and the Washington State Military Department for the 2019-20 Emergency Management Performance Supplemental Grant and authorizing signatures thereon. This is additional grant received above and beyond the typical emergency management grant. This amount is \$14,931 and allowed them to spend money for medical resources that their normal grant does not allow them to spend.

Resolution 20-264: Approve an addendum to .09 (Distressed Counties) funding awarded to Winlock under Resolutions 19-099 and 11-254.

Chief Civil Prosecuting Attorney Eric Eisenberg spoke to the resolution. He said this resolution is an addendum to two prior .09 grants that the City of Winlock has received to work on water and sewer

public facilities for the Winlock Industrial Park and Economic Development Project. They had unused money in one of the grants for the water main that they wished to use for the sewer project instead. Since both projects qualify this is a resolution and contract addendum that will allow them to move the unused money from one into the other with the board's consent.

Resolution 20-265: Appoint Brian Thompson and Gary Gorremans to the Lewis County Noxious Weed Control Board.

Weed Control Manager Bill Wamsley spoke to the resolution. Bill said the weed board had two vacancies occur in 2020 and that Mr. Thompson and Mr. Gorremans inquired about being reappointed. The weed board made the notice vacancy announcement in The Chronicle. The weed board met and recommended that Mr. Thompson and Mr. Gorremans be reappointed to the board. Their terms will end on March 1, 2024.

Motion passed 3-0.

HEARING

Ordinance 1319: An ordinance of Lewis County lifting a moratorium upon certain building permits within the boundaries of Middle Fork Water-Sewer System - formally known as Water-Sewer District #5. (Held over from July 27, 2020.)

Commissioner Stamper introduced the hearing.

Chief Civil Prosecuting Attorney Eric Eisenberg gave the staff report. Eric noted that the hearing had started July 27 and was tabled until Aug. 3 and that all parts of the hearing remained open. Ordinance 1319 will lift a moratorium that exists from a different ordinance, Ordinance 1317, that prevents people from submitting development permits in the Middle Fork Water and Sewer System, formerly known as Water- Sewer District 5. The moratorium was imposed because Water-Sewer District 5 and Water District 2, which are both involved in providing sewer service in that area, had a dispute that called into question the sewer services availability. This matters because when the county gets a building permit application or a sub-division application the county has to determine that adequate water and sewer service are available in order to issue or grant the permit or sub-division. The moratorium has been in place for two years now. The county initially allowed Water-Sewer District 5 and Water District 2 to work out their dispute as they are separate governmental entities from the county. After a long period of no positive progress, the County took on a mediation role and attempted to help the two districts broker a deal that would work for them and the citizens. This too failed. Ultimately, the County resolved this by acquiring Water-Sewer District 5's infrastructure, so that the County could work with District 2 and get things back to normal. Lewis County has now taken over the infrastructure from Water-Sewer District 5. That system, under the County, is now called the Middle Fork Water-Sewer System. The County is negotiating a renewed interlocal agreement with Water District 2 about sewer

service. The County staff hoped to finalize the agreement by July 27, but it was not finalized. The county received District 2's counter offer. The Prosecuting Attorney and Public Works reviewed the counter offer and about 60% of the material was fine, and about 40% of the material needs further review and the county is proposing to make a counter offer to them. A counter offer was been made to Water District 2 last Friday. They have received it and will be considering it. Eric said it was clear from the two drafts that the two sides were not going to make a deal yet but are still working to do so. The biggest difference of opinion is about appropriate rates and charges for the customers in the Middle Fork water system, especially connection fees for those customers.

There are three main options for the BOCC to consider:

Option A: reject Ordinance 1319 and vote to leave the moratorium in place. He explained the upside and downside of this option and what the motion would be.

Option B: vote to table Ordinance 1319 again for one or two weeks. He explained the upside and downside of this option and what the motion would be.

Option C: lift the moratorium today and pass Ordinance 1319. He explained the upside and downside of this option and what the motion would be.

Commissioner Fund commented that the county needs housing and has exhausted other options.

Commissioner Jackson asked if the county lifts the moratorium, are we still about 4 months out before there has to be discussions about connecting up water and sewer.

Eric noted that it may take someone about long to go from permit application to construction as a practical matter. As a legal matter you have to start determining water and sewer availability at the time of the applications.

Commissioner Stamper thanked everyone for their hard work.

Commissioner Stamper opened the question-and-answer portion of the hearing.

Larry McGee asked what the process is despite best efforts if the county and Water District 2 cannot come to terms.

Eric said it is very likely the two entities will come to an agreement. It is a question of how long it takes. If they cannot come to an agreement, the county will have to weigh the legal options about what to do. This will depend on the state of the original contract that District 2 had with Water-Sewer District 5.

Aime Smith, who is the Manager of Water District 2, tried to comment but was having audio difficulty. She indicated she would email the group later in the day.

Commissioner Stamper then closed the question-and-answer portion of the hearing.

Eric asked that his previous comments be adopted into the record.

Commissioner Stamper asked if anyone wanted to speak for or against the resolution.

Greg Lund said he doesn't believe that any of the public testimony was against lifting the moratorium. He discussed local water and sewer rates around the county as well as hook-up costs. He urged the board to vote for option C.

Larry McGee encouraged the board to vote for option C also.

Commissioner Stamper closed the hearing for public testimony.

Eric noted he was having a difficult time trying to hear Aime Smith who is the manager of Water District 2 on Zoom earlier. He said she used the word "moratorium" a couple of times. He didn't feel she was referring to the moratorium for Ordinance 1317 but felt her comment may be that Water District 2 passed its own moratorium two years ago on new sewer connections and that has not been changed.

He said Water District 2 expressed a strong preference that no new connections be started there and that led to the county imposing our moratorium because of the uncertainty of the availability of sewer in the area. Eric said legally speaking that Water District 2 does not have any relationship to the individual residents in the Middle Fork Water-Sewer system that hook up to it. Rather, they have a relationship by contract with the former Water-Sewer District 5, now known as the Middle Fork Water System that is a corporate interaction. The two governmental entities have an interlocal agreement about what money is to be exchanged related to sewer service based on the people that Middle Fork may sign up. It is Middle Fork that has the relationship with the ratepayers and Water District 2 does not. Water District 2 does not maintain any of the lines, nor do they do maintenance. They also do not contract directly with the residents in the Middle Fork Water System. Water District 2 may have had a moratorium on new sewer connections, but it did not add any new connections. They have only one customer: the Middle Fork Water System, which is a corporate customer. Their moratorium is not controlling. Eric said if he thought their moratorium were controlling or it were illegal for the board to do option C, then he would have recommended the board not do it. He said there is reason to think that Water District 2 acted beyond its power if it thinks that its moratorium prevents new hookups in the Middle Fork Water System. He said the county is trying to respect their opinion as best as we can by making a deal with them before any actual physical connections occur.

Commissioner Fund made a motion to adopt and pass the updated version of Ordinance 1319 as shown on the county website (as outlined as option c). Commissioner Jackson seconded.

Motion passed 3-0.

ANNOUNCEMENTS

Ron Averill noted that .09 funds were used to install a rail spur over at the Port of Chehalis. The idea behind the spur was to eventually move grain that was grown in Lewis County. The Lewis County Farm Bureau, along with the Cooperative and the Northern Business operation out of Snohomish County, managed to purchase an elevator to move the grain from the trucks to the rail cars. Last week for the first time grain grown in Lewis County was loaded on railcars in the Port of Chehalis for shipment.

COVID-19

J.P. Anderson, the director of Public Health and Social Services, discussed a letter that was presented to the board that discussed schools going to distance learning this fall. The letter is dated for today and signed by Dr. Wood. He also noted the press release will go out after this meeting.

Commissioner Fund asked what the commissioners have control over.

Eric said that every non-charter county in the state is required to be the Board of Health for the county. As the Board of Health for the county, you are required to appoint a chief medical officer who is the health officer. This position has very broad powers about the public health of the county, including preventing the spread of infectious diseases.

Eric further explained that Dr. Wood was given the power under this law to do many things to protect the public health and one of them is to impose rules like this when she feels it is necessary to prevent the spread of infectious disease.

The group discussed the matter further.

Commissioner Stamper asked if the press release was a directive or recommendation.

J.P. said this is a recommendation as opposed to a health officer order, which would therefore make it a requirement. He said they have been pressed for a recommendation and for their input. He noted that local school districts throughout the state have been wanted to formalize and operationalize their plans. They have been invited to multiple conversations with superintendents and have had meetings with OSPI. He said they advocated for additional information and guidance from the state and OSPI as far as the process going forward.

He said Dr. Wood elected to submit this recommendation in order to provide guidance at a time that it feels like it is very much needed.

He noted that public health will be having monthly meetings going forward with the superintendents. The outcomes of these meetings will help Dr. Wood update her guidance. That recommendation could change.

He further discussed the issue.

Commissioner Jackson asked as Dr. Wood makes the recommendations, what kinds of conversations have taken place with the school districts.

J.P. said they have had several meetings in the past few months. In the past week, Dr. Wood spoke with Chris Rust, who is the leading the group of superintendents. J.P. also met with all the school districts last Thursday. They were looking for guidance by Dr. Wood and were told by OSPI that the recommendation and health officer order direction would be coming from local health officers.

Further discussion was held.

Commissioner Jackson noted he understood that the chance of infections for kids is minimal. He also noted his concern about the social implications of not having kids in school.

He asked if schools were bound by this recommendation or could they make their own decisions if they choose to.

J.P. said that schools could make a decision outside of the recommendation. However, in conversation with the superintendent, it appears unlikely they will do that.

Commissioner Stamper discussed the challenges of broadband for some of the students.

J.P. said over the weekend he heard a lot about recovery numbers. He stressed that people need to call health officials back or take their calls. It is difficult to prioritize a recovery call if there has been a surge or if there are complicated contacts to first reach.

John Abplanalp said they will be reporting five more recoveries today. Two are in District 1 and three are in District 2.

He said they are a bit behind on their calls and running into challenges where some people are not prioritizing calling them back. They are trying to call folks three times and after that they will likely have to be counted as a lost to follow up. They will have to think about how this will affect the numbers they need to report out.

John said health officials have established recovered status for over 50 people at this point. They only people that have not recovered that they have been able to confirm as not recovered are those who have died.

He discussed the issue.

John reported a total of 196 cases so far and 11 over the weekend.

The group discussed who will be allowed in the courthouse for the primary election. Eric noted that if the public wanted to watch, the safest way is to limit the citizens to 10 people. This would not include staff.

The group discussed the security of ballot boxes.

Becky said under the Coronavirus Relief Funding there were two proposals that were received under the broadband rule. She said they would be discussed during the Aug. 4 budget update.

Becky said Amber worked on a draft MOU for EDC and the discussion of non-profit funding.

Becky also said she received an email from Tony Hanson, who is the Department of Commerce representative, regarding the \$20 million that was allocated to nonprofits. He provided the contact name of Cheryl Smith from the Department of Commerce who will be coordinating the non-profit effort. Becky will contact her and find out how Lewis County non-profits can apply for those funds.

The board discussed their calendars.

PRESS CONFERENCE

No questions from the press.

ADJOURNMENT

The BOCC Business Meeting adjourned at 11:34 a.m., with the next Business Meeting scheduled for Monday, August 10, 2020, in the Commissioners' Hearing Room (Room 223).

Please note that minutes from the BOCC Business Meeting are not verbatim. A recording of the meeting may be purchased at the BOCC office, or video footage can be viewed at no charge at LewisCountyWa.gov/bocc-meetings. Video footage of BOCC meetings also is aired on Comcast Channel 3 at 10 a.m., 2 p.m., 6 p.m., and 10 p.m. daily. Video footage also can be found on the Lewis County Commissioners' Facebook page.



ATTEST:


Rieva Lester, Clerk of the Board

BOARD OF COUNTY COMMISSIONERS
LEWIS COUNTY, WASHINGTON


Gary Stamper, Chair


Edna J. Fund, Vice Chair


Robert C. Jackson, Commissioner

After the meeting adjourned Commissioner Jackson authorized Lara McRea to sign resolutions on his behalf in PacketWriter as he did not have internet service to do so himself.