

**COMMISSIONERS' MINUTES
KITITAS COUNTY, WASHINGTON
AGENDA SESSION**

TUESDAY

10:00 A.M.

FEBRUARY 16, 2010

Board members present: Chairman Mark McClain; Vice-Chairman Paul Jewell and Commissioner Alan Crankovich.

Others: Julie Kjorsvik, Clerk of the Board; Lisa Young, Human Resource Manager; Cathy Bambrick, Public Health Administrator; Patti Johnson, Solid Waste Director; Deanna Panattoni, Treasurer; Clayton Myers, Undersheriff; Brent Bottoms, Deputy Prosecutor; Stephanie Happold, Deputy Prosecutor; William Holmes, Probation Services Director; Michael Stafford, Assistant JCA/Probation Manager; Matt Anderson, Fair Program Director; Kelly Carlson, Administrative Assistant/Airport Manager; Kathy Jurgens, Finance System Manager; Marsha Weyand, Assessor; Neil Caulkins, Deputy Prosecutor; Jaime Morgen, Juvenile Probation Counselor; Superior Court Judge Scott Sparks and approximately six members of the public.

CALL TO ORDER

Chairman McClain called the meeting to order.

PLEDGE OF ALLEGIANCE

Chairman McClain led the Pledge of Allegiance.

INTRODUCTION OF NEW COUNTY EMPLOYEES - NONE

PROCLAMATIONS - NONE

AWARDS & RECOGNITIONS

William Holmes, Probation Services Director, commented on Jaime Morgen's successful completion of requirements as a Quality Assurance Specialist. The Board of County Commissioners handed out a Certificate of Achievement signed by Jack McGibbon, Washington State Risk Assessment Coordinator for the Washington Association of Juvenile Court Administrators.

APPROVAL OF AGENDA

Chairman McClain announced Item B under the Consent Agenda had been moved to Board Discussion & Decision; three items had been added under Administrative Matters and a possible Executive Session at the end of

the Agenda.

Commissioner Jewell moved to approve the Agenda, as amended.
Commissioner Crankovich seconded. Motion carried 3-0.

CONSENT AGENDA

Items listed under the Consent Agenda were distributed to the Board of County Commissioners in advance for study and were enacted by one motion with separate discussion to the extent any items were removed from the Consent Agenda at the request of a Board member.

Chairman McClain noted Item B had been placed under Board Discussion & Decision.

Commissioner Crankovich moved to approve the Consent Agenda, as amended.
Motion carried 3-0.

MINUTES

COMMISSIONER MEETINGS

COMMISSIONERS

DATE	MINUTES
01/08/2009	2009 Work Plan Elements
05/21/2009	Monthly Finance
06/18/2009	Monthly Finance
09/17/2009	Monthly Finance
10/15/2009	Budget Meeting (Judicial Group)
10/22/2009	Prosecutor Review of Resolutions
10/27/2009	Monthly Finance
12/17/2009	Monthly Finance
01/20/2010	Michael Murphy Appeal Hearing
01/25/2010	BOCC Office Admin.
01/25/2010	Dept. Head Meetings (4)
01/25/2010	Architect Recommendations
01/26/2010	Executive Session
01/28/2010	Executive Session
02/01/2010	BOCC Office Admin.
02/01/2010	Dept. Head Meetings (4)
02/01/2010	Agenda Study Session
02/01/2010	Executive Session
02/02/2010	Agenda
02/02/2010	Executive Session
02/02/2010	Executive Session
02/02/2010	Public Hearing
02/03/2010	Patti Johnson - Update & Direction
02/03/2010	Review HB 1386 Applications
02/08/2010	BOCC Office Admin.

REQUEST TO APPROVE A RESOLUTION TO CONSIDER DISBURSEMENT OF THE 2010 HOTEL MOTEL FUNDS - ITEM MOVED TO BOARD DISCUSSION & DECISION

RESOLUTION 2010-16 AMEND RESOLUTION 2010-10 TREASURER

Approve Resolution No. 2010-16, which amends Resolution 2010-10 due to a scrivener's error, to Cancel Uncollectible Personal Property Taxes.

WORK ORDER THYSSENKRUPP ELEVATOR MAINTENANCE

Approve and authorize the Chair to sign a Work Order with ThyssenKrup Elevator Corporation, in the amount of \$17,728.82, to repair the elevator in the Kittitas County Courthouse.

RESOLUTION 2010-17 LEVIES FOR 2010 TAX COLLECTION ASSESSOR

Approve Resolution No. 2010-17, for the 2010 Kittitas County Levy Tax Collection.

RESOLUTION 2010-18 2010 HB 1386 FUNDS COMMISSIONERS

Approve Resolution No. 2010-18, Awarding the Distribution of Funds from House Bill 1386 to the Northern Kittitas County Historical Society \$5,000.00; Kittitas County Historical Society \$4,995.00; Kittitas County Genealogical Society \$996.49 and the Ellensburg Rodeo Hall of Fame \$1,825.00.

CALL FOR BIDS OFFICIAL COUNTY NEWSPAPER COMMISSIONERS

Approve a Notice of Call for Bids to serve as the Official County Newspaper for the time period July 1, 2010 through June 30, 2011, to be accepted until Friday March 19, 2010 at 5:00 p.m. in the Commissioners Office, Room 108, Kittitas County Courthouse 205 West 5th Avenue Ellensburg, Washington, to be opened on Monday March 22, 2010 at 11:00 a.m.

GRANT AGREEMENT COORDINATED PREVENTION-DOE PUBLIC HEALTH

Approve a Coordinated Prevention Grant Agreement No. G10000426 between the State of Washington Department of Ecology and the Kittitas County Public Health Department, beginning January 1, 2010 through December 31, 2011.

INTERAGENCY AGREEMENT ADMINISTRATION OFFICE OF THE COURTS JUVENILE

Approve Amendment 1 to Interagency Agreement No. IAA10174, between the State of Washington, Administrative Office of the Courts and the Kittitas County Juvenile Court, for the period beginning July 1, 2009 through June 30, 2011.

INTERGOVERNMENTAL AGREEMENT US MARSHALS SERVICES SHERIFF

Approve an Intergovernmental Agreement No. 85-10-0004, between the United States Marshals Service, for Detention Services at the Kittitas County Jail.

AGREEMENT DISPUTE RESOLUTION CENTER JUVENILE

Approve an Agreement between the Dispute Resolution Center of Yakima and Kittitas Counties and the Juvenile Court of Kittitas County, for the Victim Offender Meeting Program.

RESOLUTION 2010-19 REJECT BIDS - PARKING LOTS PROJECT MAINTENANCE

Approve Resolution No. 2010-19, Rejecting all Bids for the Courthouse Parking Lots project, in order to re-evaluate the scope of the project.

AGREEMENT PUBLIC SAFETY TESTING HUMAN RESOURCE

Approve an Agreement between Public Safety Testing, Inc. and Kittitas County, to provide services including advertising and recruiting assistance, application processing and administration of written examinations and/or physical ability tests for Civil Service positions beginning January 1, 2010.

AGREEMENT AFSCME - LOCAL 792 HUMAN RESOURCE

Approve an Agreement between Kittitas County and Council 2, Washington State Council of County and City Employee, Representing Local 792, American Federation of State, County & Municipal Employees, AFL-CIO, for the Road Maintenance Crew, Survey/Inspector Crew and the Ryegrass Facility Attendant (Solid Waste), beginning January 1, 2010 through December 31, 2012.

AGREEMENT CASCADE RECOVERY RESOURCE CENTER JUVENILE

Approve an Agreement between Kittitas County Juvenile Probation Department and Cascade Recovery Resource Center, to provide youth services for the Division of Behavioral Health and Recovery, beginning July 1, 2009 through June 30, 2011.

Approve Contract Amendment No. 0663-98328-04, between Kittitas County and the Department of Social & Health Services, Division of Operations Support Services, for Juvenile Rehabilitation Administration, for the period beginning September 1, 2009 through August 31, 2010.

REQUEST FOR A CALL FOR BIDS TO FURNISH ASPHALT MATERIALS - THIS ITEM WAS PUT ON THE AGENDA BY MISTAKE, IT HAD BEEN PREVIOUSLY APPROVED ON THE FEBRUARY 2, 2010 AGENDA.

REQUEST FOR A CALL FOR BIDS TO FURNISH LIQUID ASPHALT - THIS ITEM WAS PUT ON THIS AGENDA BY MISTAKE, IT HAD BEEN PREVIOUSLY APPROVED ON THE FEBRUARY 2, 2010 AGENDA.

REQUEST FOR A CALL FOR BIDS TO FURNISH CRACK SEALANT MATERIALS - THIS ITEM WAS PUT ON THIS AGENDA BY MISTAKE, IT HAD BEEN PREVIOUSLY APPROVED ON THE FEBRUARY 2, 2010 AGENDA.

ADMINISTRATIVE MATTERS

TRAVEL AUTHORIZATION

MARK RICKEY

SHERIFF

Commissioner Jewell moved to approve a Travel Authorization request for Mark Rickey, Sheriff's Department, to attend the Emergency Vehicle Operator Course Instructor Update conference in Portland, Oregon from March 15, 2010 through March 18, 2010. Commissioner Crankovich seconded. Motion carried 3-0.

PERSONAL ACTION FORMS

EMPLOYEES

HUMAN RESOURCE

Commissioner Jewell moved to approve seventeen (17) Personnel Action Forms submitted by the Human Resource Department, as presented. Commissioner Crankovich seconded. Motion carried 2-1 (Chairman McClain opposed the motion).

PURCHASE ORDER

PINNELL, INC.

PROBATION SERVICES

Commissioner Jewell moved to approve Purchase Orders for Pinnell, Inc. in the amounts of \$200.12 and \$44.91 for the Kittitas County Probation Services Department. Commissioner Crankovich seconded. Motion carried 3-0.

CITIZEN COMMENTS ON NON-AGENDA ITEMS

Paul Bennett requested more than one minute to provide information to the Board, as announced by Chairman McClain. Chairman McClain denied

his request. Mr. Bennett explained the Board of County Commissioners has a difficult job trying to balance the needs of the community. He wanted to review information he had previously submitted to the Board of County Commissioners regarding occupancy permits being issued in the Suncadia Development area, without any sewer, gas or electrical hooked up. He indicated it is not allowed under the Development Agreement with Suncadia or the County Code. He said it could result with health issues, and asked why occupancy permits were being issued by the County without everything being complete. Chairman McClain advised Mr. Bennett one minute was up, and Mr. Bennett noted his civil disobedience and continued talking. Clayton Myers, Undersheriff was asked to escort Mr. Bennett out of the meeting.

Catherine Clerf advised the Board of County Commissioners that County staff had not been doing their job and she has gone to the Fed's.

BOARD DISCUSSION/DECISION ITEMS

REQUEST	UPPER COUNTY YOUTH BASEBALL/SOFTBALL	COMMISSIONERS
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Gannon Geiger, representing the Upper Kittitas County Youth Baseball/Softball, requested funds in the amount of \$70,000.00 to assist with completing the baseball fields. Chairman McClain asked where the rest of the funding would be coming from. Mr. Geiger indicated that funding had come from their own fundraising activities, the City of Cle Elum, Inland Telephone and Rotary. He said they are looking forward to hosting tournaments this year (there are two already scheduled) which will bring money into the community, from families coming for overnight stays due to the games being an early start in the mornings. Commissioner Crankovich said he has been involved with youth baseball for many years in various positions, and the ballpark will be good for kids and the community, as well as a draw for people to come to their community. Chairman McClain felt it was a good project, but asked if there was a different way of funding it, noting the City of Cle Elum currently owes the County a lot of money and maybe it would be a way of dealing with the City's debt. Commissioner Crankovich said he had checked with the Auditor's office to find out how much money is available, considering current commitments by the County, in the REET fund.

Commissioner Crankovich moved to approve an amount not to exceed \$50,000.00 to come from the REET fund, to assist the Upper Kittitas County Youth Baseball/Softball project. Commissioner Jewell seconded. Motion carried 3-0. The Board asked Jerry Pettit, Auditor, to assist them with creating the necessary documents for the funding.

EVENT

YAKIMA RIVER CANYON MARATHON - WAIVER

COMMISSIONERS

Representatives from the Yakima River Canyon Marathon, submitted a Special Event Application to hold their event on Saturday March 27, 2010. They were not aware of the recent changes to the County Code since their last event, and asked for a waiver to Chapters 5.20.020 (Permit Application) and 5.20.100 (Penal Bond).

Commissioner Crankovich noted it was a well established event and he had no problem with their request to waive the 60-day period to submit their application to the County. Commissioner Jewell felt the Penal Bond - Bond of Indemnity in the amount of \$5,000.00 cash or bond was to guard against infrastructure and there would not be any equipment on the County Roads for the event, etc. He said these types of events were discussed during the hearing process and felt it would be an unnecessary burden for requiring the bond.

Commissioner Crankovich moved to grant the request from representatives of the Yakima River Canyon Marathon, for a waiver of Kittitas County Code Chapters 5.20.020 (Permit Application) and 5.20.100 (Penal Bond - Bond of Indemnity). Commissioner Jewell seconded. Motion carried 3-0.

RESOLUTION 2010-14

RECORDS MANAGEMENT POLICY

PROSECUTOR

Commissioner Jewell moved to approve Resolution No. 2010-14, Adopting the Kittitas County Records Management Policy, effective June 1, 2010. Commissioner Crankovich seconded. Motion carried 3-0.

ORDINANCE 2010-02

CORRECTING SCRIVENER'S ERRORS

PROSECUTOR

Commissioner Jewell moved to approve Ordinance No. 2010-02, Correcting Scrivener's Errors to Ordinance No. 2009-25, complying with a Final Order of the Eastern Washington Growth Management Hearings Board. Commissioner Crankovich seconded. Motion carried 3-0.

RESOLUTION 2010-15

HOTEL/MOTEL TAX FUNDS

COMMISSIONERS

Commissioner Jewell said they had received an opinion from one of the Deputy Prosecutors, specifically stating they were precluded from giving funds out to "for-profit" corporations and Farmers Markets. He said since then, representatives from the Farmers Market had received their own information from a Deputy Director in the State Auditor's office, stating they disagreed with the Deputy Prosecutor's opinion, and felt the language in the law was left intentionally vague to allow communities to decide how to spend the funds. He said he spoke with Prosecutor Greg Zempel, and he said he would call around to other counties to see what they are doing. He noted how hotel stays bring assistance by replenishing the fund and when they reviewed the

applications, that is what the Board had been looking at. The Board felt if there was something that needed to be fixed it would be done in the future, but thought it was important to get the funds out as soon as possible so the applicants awarded funding could move on with their projects.

Commissioner Crankovich moved to approve Resolution No. 2010-15, adopting the distribution of the 2010 Hotel/Motel Tax funds, in the total amount of \$149,952.49. Commissioner Jewell seconded. Motion carried 3-0.

MISCELLANEOUS - NONE

EXECUTIVE SESSION

At 10:50 a.m. Chairman McClain announced the Board would recess into Executive Session with Brent Bottoms, Deputy Prosecutor and Cathy Bambrick, Public Health Administrator, for 15 minutes to discuss with legal counsel representing the agency matters relating to agency enforcement actions, or to discuss with legal counsel representing the agency litigation or potential litigation to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency. He anticipated no action following.

At 11:05 a.m. the Board reconvened out of Executive Session. There was no action taken. Chairman McClain announced the Board would recess back into for 15 minutes, to discuss with legal counsel representing the agency matters relating to agency enforcement actions, or to discuss with legal counsel representing the agency litigation or potential litigation to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency. He anticipated no action following.

At 11:20 a.m. the Board reconvened out of Executive Session. There was no action taken. Chairman McClain announced the Board would recess back into for 15 minutes, to discuss with legal counsel representing the agency matters relating to agency enforcement actions, or to discuss with legal counsel representing the agency litigation or potential litigation to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency. He anticipated no action following.

At 11:35 a.m. the Board reconvened out of Executive Session.

Commissioner Jewell moved to continue the Agenda Session to Wednesday February 17, 2010 at 9:30 a.m. in the Commissioners Auditorium, Room 109, Kittitas County Courthouse 205 West 5th Avenue, Ellensburg, Washington. Commissioner Crankovich seconded. Motion carried 3-0.

ADJOURNMENT

The meeting was adjourned at 11:36 a.m. and continued to February 17, 2010 at 9:30 a.m.

CLERK OF THE BOARD

**KITTITAS COUNTY COMMISSIONERS
KITTITAS COUNTY, WASHINGTON**

Julie Kjorsvik

Chairman Mark McClain