MINUTES

GRANT COUNTY BOARD OF COMMISSIONERS

MONDAY, JUNE 25, 2012:

The Grant County Commissioners session began at 8:30 a.m. with all Commissioners in attendance.

8:30 a.m. – 9:00 a.m.	Elected Official Roundtable Meeting
9:00 a.m. – 9:50 a.m.	J Hemberry, Mayor of Quincy Sales Tax Discussion Meeting
10:00 a.m. – 10:20 a.m.	J Strickler, ASC Update and MISC BOCC Action

A motion was made by Commissioner Carter, seconded by Commissioner Stevens, to approve items 1 through 4, and 6 through 10, on the ASC Agenda as presented below. Item 5 did not arrive for signature. The motion passed unanimously.

1. Possible vouchers for Interfund Communications, insurance, and/or grant administration. **(Approved)**
2. Grant County Request for Reimbursement No. 11 on CDBG Public Services Grant No. 11-64100-002 with the Department of Commerce and administered through the OIC of Washington in the amount of $12,645.98.
3. Settlement Agreement and Release between Grant County, Grant Integrated Services, New Hope Domestic Violence and Sexual Assault Services, Union Gospel Mission Association of Spokane, Shirley Palanuk and Marvin Palanuk, and Anne Runkel relating to GCSC Cause No. 10-4-00079-1. **(Approved)**
4. Contract between Grant County, by and through Grant Integrated Services/New Hope, with the Department of Commerce/Office of Crime Victim's Advocacy to provide funding in support of a domestic violence legal advocacy program that ensures victim's interests are represented and their rights upheld within the criminal and civil justice systems. Contract term is for July 1, 2012 through June 30, 2013 in the amount of $24,425. **(Approved)**
5. ***Anticipating:*** Professional Services Agreement for Legal Representation of Indigent Individuals in Grant County Superior Court (Adult Felony Only), Hourly/Part Time Contractor, between Grant County and Stephen R. Hormel. Term is through case assignment completion on specified Class A felony matters. **(Did not arrive for signature)**
6. Subrecipient Agreement for CDBG Public Services between Grant County and the Opportunities Industrialization Center (OIC) of Washington on Washington State Department of Commerce Contract No. 12-65400-002 with Grant County to fund public services. **(Approved)**
7. Working Agreement by and between Grant County and Grant County Public Employees' Association, Juvenile, January 1, 2012 to December 31, 2014. **(Approved)**
8. Department of Social and Health Services, Department of Vocational Rehabilitation Job Service Contract No. 1263-55731 with Grant County – Grant Integrated Services. **(Approved)**

9. Professional Services Agreement, Conflict and Overflow Investigator, between Grant County and Marc Doney, dba Citadel Investigations, for the provision of investigative services to assist Grant County Public Defenders as they conduct indigent defense services. Term is July 1, 2012 through December 31, 2012. **(Approved)**
10. Written request from Deborah Moore (former County Commissioner) for defense and indemnification in the matter of United States District Court Case #CV-12-188-EFS, *Jones v. State of Washington, et. al.* **(Approved)**

10:30 a.m. – 10:45 a.m.	Citizen Public Comment Period **(No public in attendance)**
11:00 a.m. – 11:50 a.m.	Budget and Finance Meeting
1:00 p.m. – 1:20 p.m.	B Smith, District Court Update
1:30 p.m. – 1:50 p.m.	D McIvor, Upper Columbia Salmon Recovery Board Update
2:00 p.m. – 2:30 p.m.	T Hechler, Human Resources Update
2:30 p.m. – 3:00 p.m.	Department Head Review
3:30 p.m. – 4:30 p.m.	Open Record Public Hearing, Negrete Administrative Appeal of Notice to Correct GCC Violation

The Commissioners held an Open Record Public Hearing to consider and Administrative Appeal from Andres Negrete regarding a "notice to correct" issued by the Grant County Department of Community Development. The parcels (150044000 and 150054002) are located at the corner of 4th Street E and Broadway Ave Extended, south of Mattawa, WA, within S 2, T 14 N, R 23 E, Grant County.

Jeremy Chambers is present as the certified court interpreter and the Board of County Commissioners is represented by Attorney Chris Ries.

Charles Zimmerman, Attorney for Mr. Negrete, stated his client is operating his retail sales and services business at 4th Street and Broadway in the UGA near Mattawa. The County zoning code applies. In 2011 the property was rezoned to Urban Commercial 2 (UC2). Mr. Negrete went to the Planning Department and asked how he can get his "flea market" up and running. Planning advised that he had to apply for a CUP. After submitting his application, he was informed that his application was incomplete. Mr. Negrete then went to Mr. Zimmerman's office for assistance. They determined a CUP is not needed in the UC2 Zone of Grant County and Mr. Negrete proceeded to run his business without a CUP. The "notice to correct" was then received by Mr. Negrete. Today, they are appealing this notice to correct.

Mr. Zimmerman passed out GCC 25.02.020A Zoning Code. Discussion ensued.

Commissioner Stevens asked questions of the Appellants Attorney.

Commissioner Stevens swore Mr. Negrete into the record. Mr. Zimbelman confirmed with Mr. Negrete that his declaration is true and accurate to the best of his knowledge. Mr. Negrete stated yes.

Lee Pence, attorney for Community Development, asked questions of Mr. Negrete and his relationship with Todd Lolkus and if he hired Mr. Lolkus as his representative. Mr. Negrete said yes.

Lee Pence then went through his response to the appellant's appeal of the opposition. He discussed UDC 23.04 and states the Administrative Official determined that a "flea market" is most similar to other uses listed to wit "outdoor events temporary". He states that outdoor events temporary within the UC2 zone is subject to either Discretionary Use Revuew or CUP depending on the duration or intensity as specified in UDC 23.08.400. The Administrative Official has the ability to determine a similar use if the use is not listed within the UDC. They believe "temporary outdoor event" is the best description.

Mr. Pence discusses the CUP application Mr. Negrete applied for. That this process was never completed because it was not complete. Mr. Negrete was informed that the application would not move forward until his application became complete. Mr. Negrete responded to this by stating he needs additional time to continue working on the comments in response to his application. Mr. Pence states that Mr. Negrete's appeal is "time barred". Mr. Negrete is appealing the "notice to correct". Mr. Pence states there is no real way to appeal a "notice to correct". Mr. Pence stated the appeal should be dismissed. Discussion ensued.

In conclusion, he is asking that this appeal be dismissed because they believe that if Mr. Negrete is appealing a final decision regarding a CUP then that final decision occurred in August of 2011. OR if he's not and there is no real mechanism to appeal a notice to correct, then a final decision has not been made on the CUP yet. Then the appeal is not correct. If the BOCC assumes jurisdiction and doesn't dismiss due to lack of jurisdiction, it should find that Mr. Negrete is in violation of the applicable UDC provisions and hold the notice to correct.

Commissioner Carter asked questions of Mr. Pence. Mr. Pence passed out case history on a similar case Prekeges, et al v King County.

Mr. Zimmerman came back to the record to discuss Mr. Pence's statement that the appeal was filed untimely. They do not see in the Grant County Code where it states a CUP is required. He passed out a copy of RCW 82.32.033 and GCC 25.01.030 (c) for the BOCC review.

Mr. Pence stated there is no "flea market" in table 3 and this put the County in the "similar use" analogy as determined by the Administrative Official. The AO determines the intensity of the use of the property.

Mr. Zimmerman rebutted Mr. Pence argument stating the use is not defined in the table for retail use and service.

Tiffany Genakowski of Kennewick represents the owners of the apartments adjacent to the flea market and is opposed to the flea market because of waste management and parking issues.

Mr. Zimmerman recommended that any issues neighboring property owners have should bring their issues to Mr. Negrete.

Commissioner Carter moved to close the public comment portion of the hearing. Commissioner Stevens seconded and the motion passed with 2 Commissioners in attendance. Commissioner Carter moved to continue the hearing until July 9, 2012 at 3:00 p.m. in which a decision will be made. Commissioner Stevens seconded and the motion passed with 2 Commissioners in attendance. The hearing adjourned.

TUESDAY, JUNE 26, 2012:

The session was continued at 10:00 a.m. with all the Commissioners in attendance.

7:30 a.m. – 9:00 a.m.	C Swartz at Moses Lake Chamber Annual Breakfast Meeting (Michael's on the Lake)
10:00 a.m. – 10:20 a.m.	Open Record Public Hearing, UDC Amendment of Ch. 25.16 titled "Code Enforcement"

The Commissioners held an Open Record Public Hearing to consider the repeal and replacement of Grant County Code 25.16 "Enforcement and Penalties". Damien Hooper, Planning Manager, discussed the new chapter being proposed.

The process begins with a voluntary notice to correct. If there is no action taken by the property owner then a citation can be given. If the property owner wishes to appeal this, they can take the citation to the Hearings Examiner. If they do not like the decision by the Hearings Examiner, they can appeal to Superior Court.

Any violation that is not handled as a citation, it is handled as a notice of violation. These have steeper penalties. This follows the same process: a notice of violation is issued if there is no voluntary compliance, then the Hearings Examiner, then Superior Court. This new process involves the Hearings Examiner, which before involved District Court. Discussion ensued.

Commissioner Swartz moved to close the public comment portion of the hearing. Commissioner Carter seconded and the motion passed unanimously. Commissioner Swartz moved to approve the recommendation of the Planning Department and repeal and replace Grant County Code Ch. 25.16 as presented. Commissioner Stevens seconded and the motion passed unanimously. The hearing adjourned.

10:30 a.m. – 10:50 a.m.	W Swanson, Juvenile Court and Youth Services Update **(Cancelled)**
11:00 a.m. – 11:50 a.m.	J Christian-Stoker, GrIS Survey Review
1:30 p.m. – 2:20 p.m.	D Pohle, Public Works Update

1. Execution of Contracts for D-SW/13-SW and 9-SW, CRP 12-04 and CRP 12-03 awarded to Hurst Construction LLC of Wenatchee, WA for the bid amount of $267,892.00. **(Not ready for signature)**
2. **Resolution No. 12-041-CC** for Notice of Hearing in the Matter of Adopting a Comprehensive Six Year Transportation Improvement Program for the Years 2013-2018. **(The public hearing was set for July 24, 2012 at 2:00 p.m.)**
3. Execution of Local Agency Agreement between Grant County and the Washington State Department of Transportation for the Dodson Road Overlay project. **(Approved)**

2:30 p.m. – 2:50 p.m.	D Lee, Prosecuting Attorney's Office Update
3:00 p.m. – 3:15 p.m.	Consent Agenda (Items 1 through 8)

A motion was made by Commissioner Carter, seconded by Commissioner Swartz, to approve items 1 through 8 on the Consent Agenda as presented below. The motion passed unanimously.

COMMISSIONERS OFFICE

1. Commissioners Office and Public Defense Vouchers. **(Approved)**
2. Commissioners May 21 and 28, 2012 Minutes for approval. **(Approved)**
3. Budget extension request from the Administrative Services Coordinator in the amount of $131,042.00 for the CDBG Public Services Grant (12-65400-002) awarded Grant County from the Washington State Department of Commerce. Term of the contract is July 1, 2012 through June 30, 2013. **(Approved, the public hearing was set for July 24, 2012 at 10:30 a.m.)**
4. **Resolution No. 12-042-CC** granting a 6 month extension to the Northland Cable Television Franchise. **(Approved)**

HUMAN RESOURCES

5. Personnel Action Request Recommendation regarding a request from Civil Service Commission to increase the hourly compensation of the Civil Service Secretary/Chief Examiner from $12.75/hr to $15.00/hr and to change the status from Part-Time temporary to Part-Time. The Director recommends approval of the compensation increase but does not recommend changing the status at this time. **(Approved)**
6. Personnel Action Request Recommendation to initiate the County sick leave donation policy for a Public Works employee, Recipient 12-03, who suffers from an illness which is extraordinary in nature. The Director recommends approval. **(Approved)**

GRANT INTEGRATED SERVICE

7. Request to purchase 2 replacement computer workstations from CDW-G in the amount of $2,319.85. These will be purchased off of the Washington State Contract. **(Approved)**

SHERIFF'S OFFICE

8. Out of State Travel request for Deputy Jon Melvin to attend National Public Safety Telecommunications Council Video Quality in Public Safety Workshop in Denver, CO from July 26 -27, 2012. **(Approved)**

3:30 p.m. – 4:00 p.m. Department Head Review

MISCELLANEOUS ITEMS

As of this date, the Board, by a majority vote, does approve for payment those vouchers certified by the auditing officer as required by RCW 42.24.080, and those expense reimbursement claims certified by the auditing officer as required by RCW 42.24.090, in the amounts of $1,156,392.36 and $632,654.01, as recorded on a listing and made available to the Board.

The Commissioners approved and signed the Grant County Payroll Authorization form for the June 25, 2012 payroll.

WEDNESDAY, JUNE 27, 2012:

9:30 a.m. – 9:50 a.m.	S Kozer, Public Defense Update
10:00 a.m. – 10:20 a.m.	G Baker, Technology Services Update
10:30 a.m. – 10:50 a.m.	T Jones, Sheriff's Office Update
11:00 a.m. – 11:20 a.m.	K Allen, Clerk's Office Update
11:30 a.m. – 11:50 a.m.	R Stevens, Finance Committee Update
1:00 p.m. – 5:00 p.m.	CIVIL SERVICE COMMISSION MEETING
7:00 p.m. – 8:30 p.m.	PLANNING COMMISSION MEETING

MISCELLANEOUS ITEMS

The Commissioners approved and signed the Grant Public Works County Payroll Salary Fund for June 29, 2012.

THURSDAY, JUNE 28, 2012:

8:00 a.m. – 9:30 a.m.	ASSESSOR'S OFFICE STAFF MEETING
9:30 a.m. – 12:00 p.m.	BOARD OF EQUALIZATION HEARINGS
10:00 a.m. – 12:00 p.m.	R Stevens at Columbia River Commissioners Meeting (Best Western Lakefront Inn, Moses Lake)
11:30 a.m. – 1:00 p.m.	C Swartz at GC EDC Association of Washington Business Legislative Review (ATEC, BBCC)
2:30 p.m. – 4:00 p.m.	Washington State Association of Counties (WSAC) Courthouse Visit
3:00 p.m. – 4:30 p.m.	C Carter at Solid Waste Advisory Committee (SWAC) Meeting
4:00 p.m. – 5:00 p.m.	VETERANS ADVISORY BOARD MEETING
6:00 p.m. – 8:00 p.m.	C Carter at GWMA Administrative Board Meeting (Othello City Hall)

MISCELLANEOUS ITEMS

The Chair of the Board was authorized to sign the Health District Voucher listing in the amount of $38,843.37.

FRIDAY, JUNE 29, 2012

9:00 a.m. – 3:00 p.m. BOARD OF EQUALIZATION HEARINGS

Signed this 24th day of July, 2012.

BOARD OF COUNTY COMMISSIONERS
Grant County, Washington

Richard Stevens, Chair

Cindy Carter

Carolann Swartz

Attest:

Clerk of the Board