

# A G E N D A

## WALLA WALLA COUNTY BOARD OF COMMISSIONERS

MONDAY, DECEMBER 5, 2016

9:30

COUNTY COMMISSIONERS

Chairman Johnson

All matters listed within the Consent Agenda have been distributed to each County Commissioner for review and are considered routine. The Consent Agenda will be approved by one motion of the Board of County Commissioners with no separate discussion. If separate discussion is desired on a certain item, that item may be removed from the Consent Agenda at the request of a Commissioner, for action later.

- a) Roll call and establish a quorum
- b) Declarations re: conflict of interest
- c) Pledge of Allegiance
- d) Public comment period (time limitations may be imposed)
- e) Introduction of new county employees and presentations (this is scheduled for the first meeting of each month)

**PLEASE NOTE:** *If you wish to address the Commission, please raise your hand to be recognized by the Chair. When you have been recognized, please step up to the microphone and give your name and address before your comments. The Walla Walla County Commissioners are committed to maintaining a meeting atmosphere of mutual respect and speakers are encouraged to honor this principle. (An individual may request to address the board at a later time on the agenda, if time permits, by contacting the Clerk of the Board at least 24 hours prior to the meeting.) Thank you.*

- f) **Action Agenda Items:**
  - 1) Review submitted Employee Payroll Action Forms
- g) **Public Hearings:**
  - 1) To consider amendments to the 2016 Walla Walla County Budget
  - 2) To consider adoption of the 2017 Walla Walla County property tax levies:
    - Current Expense
    - County Road
    - Emergency Medical Services
    - Veterans assistance and mental health and developmental disabilities services
  - 3) To consider adoption of the 2017 Walla Walla County Budget
- h) **Action Agenda Items:**
  - 1) Resolution \_\_\_\_\_ - Amendments to the 2016 Walla Walla County Budget
  - 2) Resolution \_\_\_\_\_ - 2017 General Tax Levy for Walla Walla County

**BOARD OF COUNTY COMMISSIONERS**  
WALLA WALLA COUNTY, WASHINGTON

IN THE MATTER OF  
AMENDMENTS TO THE 2016  
WALLA WALLA COUNTY  
BUDGET



RESOLUTION NO.

**WHEREAS**, subsequent to the establishment of the budgets and adoption of the 2016 Walla Walla County Budget, representatives of various offices and departments within the 2016 Walla Walla County Budget have provided information to County Auditor Karen Martin regarding proposed budget amendments; and

**WHEREAS**, a properly advertised public hearing was held on December 5, 2016, to consider said amendments as advertised and hear testimony related thereto; now therefore

**BE IT HEREBY RESOLVED** by this Board of County Commissioners that the 2016 Walla Walla County Budget be amended as outlined on the attached Memo "2016 Budget Amendment #3", dated 11/14/16 but with the notation "revised 11/23/16" from Karen Martin, County Auditor, which is by this reference made a part hereof.

*"Passed this **5th day of December, 2016** by Board members as follows: \_\_\_ Present or \_\_\_ Participating via other means, and by the following vote: \_\_\_ Aye \_\_\_ Nay \_\_\_ Abstained \_\_\_ Absent."*

**Attest:**

\_\_\_\_\_  
Connie R. Vinti, Clerk of the Board

\_\_\_\_\_  
James K. Johnson, Chairman, District 1

\_\_\_\_\_  
Perry L. Dozier, Commissioner, District 2

\_\_\_\_\_  
James L. Duncan, Commissioner, District 3

*Constituting the Board of County Commissioners  
of Walla Walla County, Washington*

# MEMO

TO: Board of County Commissioners  
 FROM: Karen Martin, County Auditor  
 DATE: 11/14/16  
 SUBJECT: 2016 Budget Amendment # 3 (revised 11/23/16)

FUND	BARS #	DESCRIPTION	AMENDMENT AMOUNT		NEW BUDGET
			REVENUE	EXPENDITURES	AMOUNT
<b>010 CURRENT EXPENSE</b>					
<b>01015 Fair Manager</b>					
	573.70.11.0007	Fair Manager		(\$15,288)	\$59,712
	573.70.21.0001	Medical-Dental-Life		(\$3,144)	\$8,892
	573.70.21.0002	Social Security		(\$1,170)	\$4,568
	573.70.21.0003	Retirement		(\$1,709)	\$6,676
	573.70.21.0004	Industrial Insurance		(\$90)	\$160
<b>03900 Transfers</b>					
	597.00.00.0030	Transfer out - Fairgrounds		\$21,401	\$21,401
		<b>Total Current Expense</b>	<b>\$0</b>	<b>\$0</b>	
<b>10500 Hotel / Motel</b>					
	557.30.49.0007	Grant - Fairgrounds		\$2,500	\$42,500
10598	508.30.00.0000	Ending Fund Balance - Restricted		(\$2,500)	\$54,500
		<b>Total Hotel-Motel</b>	<b>\$0</b>	<b>\$0</b>	
<b>10800 Law &amp; Justice</b>					
	308.30.00.0000	Beginning Fund Balance - Restricted	\$307,972		\$1,107,972
10834	521.22.12.0000	Overtime		\$12,523	\$63,235
	594.21.64.3400	Machinery & Equipment - Sheriff		\$14,653	\$24,653
10898	508.30.00.0000	Ending Fund Balance - Restricted		\$280,796	\$907,128
		<b>Total Law &amp; Justice</b>	<b>\$307,972</b>	<b>\$307,972</b>	
<b>10910 Auditor M&amp;O COUNTY PORTION</b>					
	514.23.49.0000	Grant Distribution		\$10,000	\$10,000
10998	508.30.00.0000	Ending Fund Bal-Restricted <u>County Portion</u>		(\$10,000)	\$42,500
		<b>Total Auditor M&amp;O County Portion</b>	<b>\$0</b>	<b>\$0</b>	
<b>11800 - Fair</b>					
	397.00.00.0000	Operating Transfer In	\$21,401		\$21,401
11806	573.70.49.0000	Miscellaneous		\$21,401	\$38,901
		<b>Total Fair</b>	<b>\$21,401</b>	<b>\$21,401</b>	
<b>10100 CE BLDG</b>					
	381.10.00.0152	Loans from other Funds	\$1,400,000		\$1,400,000
	594.11.62.0025	Buildings & Structures		\$1,400,000	\$1,400,000
		<b>Total CE Bldg</b>	<b>\$1,400,000</b>	<b>\$1,400,000</b>	

**BOARD OF COUNTY COMMISSIONERS**  
WALLA WALLA COUNTY, WASHINGTON

IN THE MATTER OF THE 2017  
GENERAL TAX LEVY FOR WALLA  
WALLA COUNTY



RESOLUTION NO.

**WHEREAS**, pursuant to RCW 84.55, the Walla Walla County Board of Commissioners, as the county legislative authority, properly gave notice of a public hearing to be held December 5, 2016, to consider revenue sources for the 2017 Walla Walla County Budget, to include property tax revenues; and

**WHEREAS**, the Walla Walla County Board of Commissioners, in considering the budget for 2017, has reviewed all sources of revenue and examined all anticipated expenses; and

**WHEREAS**, Initiative Measure 747 limits local governments to a property tax levy increase of one percent (or the amount of the Implicit Price Deflator, whichever is less) over the previous year's levy unless a greater increase is approved by the voters at an election; and

**WHEREAS**, the Board of Commissioners of Walla Walla County, during an open, public meeting on November 28, 2016, discussed property tax levies, and the consensus of the Board was not to impose any increase in the property tax levy for the general fund (Current Expense fund) but instead to bank the one percent capacity for future needs, expressing their concerns for the impact on County property owners and fellow citizens; now therefore

**BE IT HEREBY RESOLVED** by this Walla Walla County Board of Commissioners, after due consideration of all relevant evidence and testimony presented, that the levy amount to be collected for 2017 shall reflect a zero percent increase over 2016, plus the additional revenue resulting from the addition of new construction, improvements to property, newly constructed wind turbines, any increase in the value of state-assessed property, or any annexations that have occurred and refunds made, in order to discharge the expected expenses and obligations of Walla Walla County (Current Expense fund).

*"Passed this **5th day of December, 2016** by Board members as follows: \_\_\_ Present or \_\_\_ Participating via other means, and by the following vote: \_\_\_ Aye \_\_\_ Nay \_\_\_ Abstained \_\_\_ Absent."*

Attest:

\_\_\_\_\_  
Connie R. Vinti, Clerk of the Board

\_\_\_\_\_  
James K. Johnson, Chairman, District 1

\_\_\_\_\_  
Perry L. Dozier, Commissioner, District 2

\_\_\_\_\_  
James L. Duncan, Commissioner, District 3

*Constituting the Board of County Commissioners  
of Walla Walla County, Washington*

**COUNTY COMMISSIONERS (continued)**

**h) Action Agenda Items (continued):**

- 3) Resolution \_\_\_\_\_ - 2017 Road Tax Levy for Walla Walla County
- 4) Resolution \_\_\_\_\_ - 2017 Emergency Medical Services District tax levy for Walla Walla County
- 5) Resolution \_\_\_\_\_ - 2017 General tax levies for veterans' assistance and mental health and developmental disabilities services)
- 6) Resolution \_\_\_\_\_ - Adopting the Final Budget for fiscal year 2017 for the various County funds
- 7) Resolution \_\_\_\_\_ - Setting the assessment for the 2017 County Noxious Weed Control Program
- 8) Execute Department of Energy Services Energy Program COP-FA Coversheet for Project 2013-042 I (5-1) #2 County Jail Chiller & HVAC Upgrades
- 9) Additional discussion re: sale of County surplus property at 1520 Kelly Place to determine if a bidder agreeing to the condition that the building remain a community social services center until October, 2022 shall receive preference

**i) Consent Agenda Items:**

- 1) Resolution \_\_\_\_\_ - Minutes of County Commissioners' proceedings for November 28 and 29, 2016
- 2) Resolution \_\_\_\_\_ - Setting a date of public hearing to consider Ordinance No. 457: an ordinance adopting an interim ordinance regarding the regulation of nonconforming use provisions in the event of acquisition of right-of-way by eminent domain or potential eminent domain in unincorporated Walla Walla County, temporarily modifying Walla Walla County Code Chapter 17.36
- 3) Resolution \_\_\_\_\_ - Setting a date of public hearing to consider changes to Walla Walla County Code Title 17 in response to new state laws relating to medical marijuana; prohibiting cooperatives, marijuana producers, marijuana processors, marijuana retailers, and the sale of marijuana and/or marijuana products within unincorporated Walla Walla County

**BOARD OF COUNTY COMMISSIONERS**  
WALLA WALLA COUNTY, WASHINGTON

IN THE MATTER OF THE 2017 ROAD  
TAX LEVY FOR WALLA WALLA  
COUNTY



RESOLUTION NO.

**WHEREAS**, pursuant to RCW 84.55, the Walla Walla County Board of Commissioners, as the county legislative authority, properly gave notice of a public hearing to be held December 5, 2016, to consider revenue sources for the 2017 Walla Walla County Budget, to include property tax revenues; and

**WHEREAS**, the Walla Walla County Board of Commissioners, in considering the budget for 2017, has reviewed all sources of revenue and examined all anticipated expenses; and

**WHEREAS**, Initiative Measure 747 limits local governments to a property tax levy increase of one percent (or the amount of the Implicit Price Deflator, whichever is less) over the previous year's levy unless a greater increase is approved by the voters at an election; and

**WHEREAS**, the Public Works Department Director has requested that no increase in the property tax levy be assessed, and that collections be only those for resulting from the addition of new construction, improvements to property, newly constructed wind turbines, any increase in the value of state-assessed property, or any annexations that have occurred and refunds made, in order to discharge the expected expenses and obligations of Walla Walla County Road Department; and

**WHEREAS**, the Board of Commissioners of Walla Walla County, during an open, public meeting on November 28, 2016, discussed property tax levies; and

**WHEREAS**, the Walla Walla County Board of Commissioners, as the legislative authority of the county/district board for the County Road taxing district, has considered the request and reviewed the budget for the Public Works Department, and concurs with the request made; now therefore

**BE IT HEREBY RESOLVED** by this Walla Walla County Board of Commissioners, after due consideration of all relevant evidence and testimony presented, that in the levy amount to be collected for 2017 shall reflect a zero percent increase over 2016, plus the additional revenue resulting from the addition of new construction, improvements to property, newly constructed wind turbines, any increase in the value of state-assessed property, or any annexations that have occurred and refunds made, in order to discharge the expected expenses and obligations of Walla Walla County Road Department.

*"Passed this **5th day of December, 2016** by Board members as follows:  Present or  Participating via other means, and by the following vote:  Aye  Nay  Abstained  Absent."*

Attest:

\_\_\_\_\_  
Connie R. Vinti, Clerk of the Board

\_\_\_\_\_  
James K. Johnson, Chairman, District 1

\_\_\_\_\_  
Perry L. Dozier, Commissioner, District 2

\_\_\_\_\_  
James L. Duncan, Commissioner, District 3

*Constituting the Board of County Commissioners  
of Walla Walla County, Washington*

**BOARD OF COUNTY COMMISSIONERS**  
WALLA WALLA COUNTY, WASHINGTON

IN THE MATTER OF THE 2017  
EMERGENCY MEDICAL  
SERVICES DISTRICT TAX LEVY  
FOR WALLA WALLA COUNTY



**RESOLUTION NO.**

**WHEREAS**, pursuant to RCW 84.55, the Walla Walla County Board of Commissioners, as the county legislative authority, properly gave notice of a public hearing to be held December 5, 2016, to consider revenue sources for the 2017 Walla Walla County Budget, to include property tax revenues; and

**WHEREAS**, the Walla Walla County Board of Commissioners, in considering the budget for 2017, has reviewed all sources of revenue and examined all anticipated expenses; and

**WHEREAS**, Initiative Measure 747 limits local governments to a property tax levy increase of one percent (or the amount of the Implicit Price Deflator, whichever is less) over the previous year's levy unless a greater increase is approved by the voters at an election; and

**WHEREAS**, the Walla Walla County Emergency Medical Services Department Advisory Committee has met and considered the budget for the Emergency Medical Services fund for calendar year 2017 and said committee desires to collect the one percent maximum levy allowed for the continued provision of emergency medical services; now therefore

**BE IT HEREBY RESOLVED** by this Walla Walla County Board of Commissioners, after due consideration of all relevant evidence and testimony presented, that the levy amount to be collected for 2017 shall reflect a one percent increase over 2016, plus the additional revenue resulting from the addition of new construction, improvements to property, newly constructed wind turbines, any increase in the value of state-assessed property, or any annexations that have occurred and refunds made, in order to discharge the expected expenses and obligations of Walla Walla County Emergency Medical Services taxing district.

*"Passed this **5th day of December, 2016** by Board members as follows: \_\_\_ Present or \_\_\_ Participating via other means, and by the following vote: \_\_\_ Aye \_\_\_ Nay \_\_\_ Abstained \_\_\_ Absent."*

**Attest:**

\_\_\_\_\_  
Connie R. Vinti, Clerk of the Board

\_\_\_\_\_  
James K. Johnson, Chairman, District 1

\_\_\_\_\_  
Perry L. Dozier, Commissioner, District 2

\_\_\_\_\_  
James L. Duncan, Commissioner, District 3

*Constituting the Board of County Commissioners  
of Walla Walla County, Washington*

**BOARD OF COUNTY COMMISSIONERS**  
WALLA WALLA COUNTY, WASHINGTON

IN THE MATTER OF THE 2017 GENERAL  
TAX LEVIES FOR VETERANS  
ASSISTANCE AND MENTAL HEALTH AND  
DEVELOPMENTAL DISABILITIES  
SERVICES



**RESOLUTION NO.**

**WHEREAS**, pursuant to RCW 84.55, the Walla Walla County Board of Commissioners, as the county legislative authority, properly gave notice of a public hearing held December 5, 2016, to consider revenue sources for the 2017 Walla Walla County Budget, to include property tax revenues; and

**WHEREAS**, the Walla Walla County Board of Commissioners, in considering the budget for 2017, has reviewed all sources of revenue and examined all anticipated expenses; and

**WHEREAS**, pursuant to RCW 71.20, the county legislative authority must budget and levy annually a tax equal to the amount which would be raised by a levy of \$0.025 per thousand dollars of assessed valuation to provide community services for persons with developmental disabilities and mental health problems; and

**WHEREAS**, pursuant to RCW 73.08, the county legislative authority must impose a property tax at a rate not less than \$0.01125 and not greater than \$0.27 per thousand dollars of assessed valuation in the county for the purposes of creating a veterans' assistance fund, and in 2014 members of the County Veterans Advisory Committee made a request to the Board of County Commissioners, as the county legislative authority, to increase the property tax rate for the veterans assistance fund, and Board approved the property tax rate to be increased to \$0.015599 to raise additional funds to assist veterans; and

**WHEREAS**, by motion on November 28, 2016 these two levies were approved to continue at the same level as 2016; now therefore

**BE IT HEREBY RESOLVED** by this Walla Walla County Board of Commissioners, after due consideration of all relevant evidence and testimony presented, that in the property tax rate for funds to be collected for 2017 for veterans' assistance (also known as Soldiers and Sailors fund) shall continue at the 2016 level, or \$0.015599 per thousand dollars of assessed valuation in the county.

**BE IT FURTHER RESOLVED** by this Walla Walla County Board of Commissioners that the budget and levy valuation to provide community services for persons with developmental disabilities and mental health problems shall remain fixed pursuant to statute at \$0.025 per thousand dollars of assessed valuation for 2017.

*"Passed this **5th day of December, 2016** by Board members as follows: \_\_\_ Present or \_\_\_ Participating via other means, and by the following vote: \_\_\_ Aye \_\_\_ Nay \_\_\_ Abstained \_\_\_ Absent."*

**Attest:**

\_\_\_\_\_  
Connie R. Vinti, Clerk of the Board

\_\_\_\_\_  
James K. Johnson, Chairman, District 1

\_\_\_\_\_  
Perry L. Dozier, Commissioner, District 2

\_\_\_\_\_  
James L. Duncan, Commissioner, District 3

*Constituting the Board of County Commissioners  
of Walla Walla County, Washington*



**BOARD OF COUNTY COMMISSIONERS**  
WALLA WALLA COUNTY, WASHINGTON

IN THE MATTER OF SETTING THE  
ASSESSMENT FOR THE 2017  
COUNTY NOXIOUS WEED  
CONTROL PROGRAM

RESOLUTION NO.

**WHEREAS**, the Walla Walla County Noxious Weed Control Board has submitted the 2017 Budget for expenditures related to noxious weed control activities within Walla Walla County in the amount of \$155,700; and

**WHEREAS**, the Noxious Weed Control Budget is now a part of the Walla Walla County Budget; and

**WHEREAS**, said Budget for the Walla Walla County Noxious Weed Control Board includes the sum of \$32,000.00 to be raised by assessment within the County, said amount to reflect no increase over the 2016 request; now therefore

**BE IT HEREBY RESOLVED** by this Board of Walla Walla County Commissioners that the Walla Walla County Noxious Weed Control Board is hereby authorized to continue the weed assessment on all lands within Walla Walla County at four cents (4¢) per acre (with parcels one (1) acre to 12.49 acres at the minimum of fifty cents (50¢) per parcel) outside municipal incorporated areas for the year 2017.

*"Passed this **5th day of December, 2016** by Board members as follows: \_\_\_ Present or \_\_\_ Participating via other means, and by the following vote: \_\_\_ Aye \_\_\_ Nay \_\_\_ Abstained \_\_\_ Absent."*

Attest:

\_\_\_\_\_  
Connie R. Vinti, Clerk of the Board

\_\_\_\_\_  
James K. Johnson, Chairman, District 1

\_\_\_\_\_  
Perry L. Dozier, Commissioner, District 2

\_\_\_\_\_  
James L. Duncan, Commissioner, District 3

*Constituting the Board of County Commissioners  
of Walla Walla County, Washington*

**BOARD OF COUNTY COMMISSIONERS**  
WALLA WALLA COUNTY, WASHINGTON

IN THE MATTER OF SETTING A  
DATE OF A PUBLIC HEARING TO  
CONSIDER ORDINANCE NO. 457:  
AN ORDINANCE ADOPTING AN  
INTERIM ORDINANCE  
REGARDING THE REGULATION  
OF NONCONFORMING USE  
PROVISIONS IN THE EVENT OF  
ACQUISITION OF RIGHT-OF-WAY  
BY EMINENT DOMAIN OR  
POTENTIAL EMINENT DOMAIN IN  
UNINCORPORATED WALLA  
WALLA COUNTY, TEMPORARILY  
MODIFYING WALLA WALLA  
COUNTY CODE CHAPTER 17.36



**RESOLUTION NO.**

**WHEREAS**, during a regular meeting of the Board of County Commissioners held on November 21, 2016 the Board adopted Ordinance No. 457, an ordinance relating to the regulation of nonconforming use provisions in the event of acquisition of right-of-way by eminent domain or potential eminent domain in unincorporated Walla Walla County, temporarily modifying Walla Walla County Code chapter 17.36; and

**WHEREAS**, the interim zoning ordinance, Ordinance No. 457, shall be in effect for six (6) months, beginning on November 21, 2016 and ending on May 21, 2017, unless an ordinance is adopted rescinding the interim zoning, and the interim zoning may be extended by the Board of County Commissioners following a public hearing prior such extension; and

**WHEREAS**, pursuant to RCW 36.70C.390, a public hearing to consider the interim ordinance shall be held within 60 days; now therefore

**BE IT HEREBY RESOLVED** by this Board of Walla Walla County Commissioners that, pursuant to Walla Walla County Code, a public hearing shall be set for 9:45 a.m. on Monday, December 19, 2016, or as close thereto as possible, in County Commissioners' Chambers, Walla Walla County Public Health and Legislative Building, 314 West Main, Walla Walla, to receive testimony and consider interim zoning.

**BE IT FURTHER RESOLVED** required notice of said hearing shall be done by the Walla Walla County Community Development Department.

**BE IT FURTHER RESOLVED** that, immediately after the public hearing, the County Commissioners may, if necessary, adopt additional findings of fact.

*"Passed this **5th day of December, 2016** by Board members as follows: \_\_\_ Present or \_\_\_ Participating via other means, and by the following vote: \_\_\_ Aye \_\_\_ Nay \_\_\_ Abstained \_\_\_ Absent."*

**Attest:**

\_\_\_\_\_  
Connie R. Vinti, Clerk of the Board

\_\_\_\_\_  
James K. Johnson, Chairman, District 1

\_\_\_\_\_  
Perry L. Dozier, Commissioner, District 2

\_\_\_\_\_  
James L. Duncan, Commissioner, District 3

*Constituting the Board of County Commissioners  
of Walla Walla County, Washington*

**BOARD OF COUNTY COMMISSIONERS**  
WALLA WALLA COUNTY, WASHINGTON

IN THE MATTER OF SETTING A  
DATE OF A PUBLIC HEARING TO  
CONSIDER CHANGES TO WALLA  
WALLA COUNTY CODE TITLE 17  
IN RESPONSE TO NEW STATE  
LAWS RELATING TO MEDICAL  
MARIJUANA; PROHIBITING  
COOPERATIVES, MARIJUANA  
PRODUCERS, MARIJUANA  
PROCESSORS, MARIJUANA  
RETAILERS, AND THE SALE OF  
MARIJUANA AND/OR  
MARIJUANA PRODUCTS WITHIN  
UNINCORPORATED WALLA  
WALLA COUNTY.



RESOLUTION NO.

**WHEREAS**, on June 30, 2016 the Board of County Commissioners adopted Ordinance No. 448 which imposed a moratorium until December 30, 2016 on the production, processing, and retail sale of all types of marijuana to provide the County with additional time to review the effects of new State laws related to medical marijuana and study, draft, hold public hearings, and adopt the appropriate regulations to address any new uses allowed by the revised State laws related to medical marijuana; and

**WHEREAS**, on November 2, 2016 the Walla Walla County Planning Commission held a public hearing to consider changes to Walla Walla County Code Title 17 in response to new state laws relating to medical marijuana; prohibiting Cooperatives, marijuana producers, marijuana processors, marijuana retailers, and the sale of marijuana and/or marijuana products within unincorporated Walla Walla County, and

**WHEREAS**, on November 2, 2016 after considering public testimony provided during the hearing, the Walla Walla County Planning Commission voted 3-1, with three members absent, to recommend to the Board of County Commissioners that the proposed amendments be approved as presented; and

**WHEREAS**, on November 9, 2016 the Chairman of the Planning Commission signed Walla Walla County Planning Commission Resolution 16-06 which documents the recommendation of the Planning Commission; and

**WHEREAS**, the Board of County Commissioners must hold a public hearing to consider the proposed amendments pursuant to Walla Walla County Code 14.15.070C(2); now therefore

**BE IT HEREBY RESOLVED** by this Board of Walla Walla County Commissioners that, pursuant to Walla Walla County Code, a public hearing shall be set for 9:45 a.m. on Monday, December 19, 2016, or as close thereto as possible, in County Commissioners' Chambers, Walla Walla County Public Health and Legislative Building, 314 West Main, Walla Walla, to receive testimony and consider the proposed zoning amendments.

**BE IT FURTHER RESOLVED** required notice of said hearing shall be done by the Walla Walla County Community Development Department.

*"Passed this **5th day of December, 2016** by Board members as follows: \_\_\_ Present or \_\_\_ Participating via other means, and by the following vote: \_\_\_ Aye \_\_\_ Nay \_\_\_ Abstained \_\_\_ Absent."*

**Attest:**

\_\_\_\_\_  
Connie R. Vinti, Clerk of the Board

\_\_\_\_\_  
James K. Johnson, Chairman, District 1

\_\_\_\_\_  
Perry L. Dozier, Commissioner, District 2

\_\_\_\_\_  
James L. Duncan, Commissioner, District 3

*Constituting the Board of County Commissioners  
of Walla Walla County, Washington*

**BOARD OF COUNTY COMMISSIONERS**  
WALLA WALLA COUNTY, WASHINGTON

IN THE MATTER OF  
APPROVING AN AGREEMENT  
WITH WASHINGTON STATE  
OFFICE OF PUBLIC DEFENSE



RESOLUTION NO.

**WHEREAS**, RCW Chapter 39.34 authorizes local governmental units to enter into agreements; and

**WHEREAS**, the Washington State Office of Public Defense (OPD) administers funds provided to Washington state counties for the purpose of improving the quality of public defense services, provided pursuant to RCW 10.101, in those counties; and

**WHEREAS**, OPD has provided Agreement ICA17409 to Walla Walla County for 2017 funds to be provided to the county in the amount of \$63,626 (sixty three thousand six hundred twenty six dollars); and

**WHEREAS**, the Prosecuting Attorney and Risk Manager have reviewed said Agreement; now therefore

**BE IT RESOLVED** by this Board of Walla Walla County Commissioners that they do hereby approve Agreement ICA17409 between the Washington State Office of Public Defense and Walla Walla County, and that the chair shall sign the Face Sheet of the Agreement for the County as recipient.

*"Passed this **5th day of December, 2016** by Board members as follows: \_\_\_ Present or \_\_\_ Participating via other means, and by the following vote: \_\_\_ Aye \_\_\_ Nay \_\_\_ Abstained \_\_\_ Absent."*

**Attest:**

\_\_\_\_\_  
Connie R. Vinti, Clerk of the Board

\_\_\_\_\_  
James K. Johnson, Chairman, District 1

\_\_\_\_\_  
Perry L. Dozier, Commissioner, District 2

\_\_\_\_\_  
James L. Duncan, Commissioner, District 3

*Constituting the Board of County Commissioners  
of Walla Walla County, Washington*

FACE SHEET

WASHINGTON STATE OFFICE OF PUBLIC DEFENSE

<p><b>1. Recipient –RCW 10.101.070 Funds</b>                  Walla Walla County                  PO Box 1506                  Walla Walla, WA 99362</p>	<p><b>2. Recipient Representative</b>                  Connie R. Vinti                  Clerk of the Board                  PO Box 1506                  Walla Walla, WA 99362</p>
<p><b>3. Office of Public Defense (OPD)</b>                  711 Capitol Way South, Suite 106                  PO Box 40957                  Olympia, WA 98504-0957</p>	<p><b>4. OPD Representative</b>                  Joanne I. Moore                  Director                  Office of Public Defense                  711 Capitol Way South, Suite 106                  PO Box 40957                  Olympia, WA 98504-0957</p>
<p><b>5. Distribution Amount</b>                  \$63,626</p>	<p><b>6. Use Period</b>                  January 1, 2017 through December 31, 2017</p>
<p><b>7. Purpose</b>                  Chapter 10.101 RCW county distributions are statutory formula distributions for the purpose of improving the quality of public defense services in Washington State counties.</p>	
<p>The Office of Public Defense (OPD) and Recipient, as defined above, acknowledge and accept the terms of this Agreement and attachments and have executed this Agreement on the date below to start January 1, 2017 and end December 31, 2017. The rights and obligations of both parties to this Agreement are governed by this Agreement and the following other documents incorporated by reference: Special Terms and Conditions, and General Terms and Conditions.</p>	
<p><b>FOR THE RECIPIENT</b></p> <p>_____</p> <p>Name, Title</p> <p>_____</p> <p>Date</p>	<p><b>FOR OPD</b></p> <p>_____</p> <p>Joanne I. Moore, Director</p> <p>_____</p> <p>Date</p>

## SPECIAL TERMS AND CONDITIONS

### 1. AGREEMENT MANAGEMENT

The Representative for each of the parties shall be responsible for and shall be the contact person for all communications regarding the performance of this Agreement.

- a. The Representative for OPD and their contact information are identified on the Face Sheet of this Agreement.
- b. The Representative for the Recipient and their contact information are identified on the Face Sheet of this Agreement.

### 2. DISTRIBUTION AMOUNT

The Distribution Amount is sixty-three thousand six hundred twenty-six and 00/100 Dollars (\$63,626) to be used for the purpose(s) described in the USE OF FUNDS below.

### 3. PROHIBITED USE OF FUNDS (as adopted in OPD Policy County/City Use of State Public Defense Funding)

- a. Funds cannot be used to supplant local funds that were being spent on public defense prior to the initial disbursement of RCW 10.101.070 funds.
- b. Funds cannot be spent on purely administrative functions or billing costs.
- c. Funds cannot be used for indigency screening costs.
- d. Funds cannot be used for county or court technology systems or administrative equipment.
- e. Funds cannot be used for county attorney time, including advice on public defense contracting.

### 4. USE OF FUNDS

- a. Recipient agrees to use the funds for the following purposes:
  - i. Increase and/or sustain additional attorneys to reduce public defense caseloads;
  - ii. Investigative and expert services for public defense cases;
  - iii. Implement and/or sustain grant-funded increases to public defense attorney compensation;
  - iv. Public defense representation at in-custody and out-of-custody first appearance and arraignment dockets; and
  - v. Interpreter services for attorney-client meetings.
- b. Recipient agrees to use the funds in calendar year 2017. If Recipient is unable to use the funds in 2017, the Recipient agrees to notify OPD to determine what action needs to be taken.
- c. Recipient agrees to deposit the RCW 10.101.070 funds check within 14 days of receipt.

### 5. ORDER OF PRECEDENCE

In the event of an inconsistency in this Agreement, the inconsistency shall be resolved by giving precedence in the following order:

- Applicable federal and state of Washington statutes, regulations, and court rules
- Special Terms and Conditions
- General Terms and Conditions



## GENERAL TERMS AND CONDITIONS

1. **ALL WRITINGS CONTAINED HEREIN**

This Agreement contains all the terms and conditions agreed upon by the parties. No other understandings, oral or otherwise, regarding the subject matter of this Agreement shall be deemed to exist or to bind any of the parties hereto.

2. **AMENDMENTS**

This Agreement may be amended by mutual agreement of the parties. Such amendment shall not be binding unless it is in writing and signed by personnel authorized to bind each of the parties.

3. **AMERICANS WITH DISABILITIES ACT (ADA) OF 1990, PUBLIC LAW 101-336, also referred to as the "ADA" 29 CFR Part 35.**

The Recipient must comply with the ADA, which provides comprehensive civil rights protection to individuals with disabilities in the areas of employment, public accommodations, state and local government services, and telecommunications.

4. **ASSIGNMENT**

Neither this Agreement, nor any claim arising under this Agreement, shall be transferred or assigned by the Recipient without prior written consent of OPD.

5. **ATTORNEY'S FEES**

Unless expressly permitted under another provision of the Agreement, in the event of litigation or other action brought to enforce Agreement terms, each party agrees to bear its own attorney fees and costs.

6. **CONFORMANCE**

If any provision of this Agreement violates any statute or rule of law of the state of Washington, it is considered modified to conform to that statute or rule of law.

7. **ETHICS/CONFLICTS OF INTEREST**

In performing under this Agreement, the Recipient shall assure compliance with the Ethics in Public Service, Chapter 42.52 RCW and any other applicable court rule or state or federal law related to ethics or conflicts of interest.

8. **GOVERNING LAW AND VENUE**

This Agreement shall be construed and interpreted in accordance with the laws of the state of Washington, and the venue of any action brought hereunder shall be in the Superior Court for Thurston County.

9. **INDEMNIFICATION**

To the fullest extent permitted by law, the Recipient shall indemnify, defend, and hold harmless the state of Washington, OPD, all other agencies of the state and all officers, agents and employees of the state, from and against all claims or damages for injuries to persons or property or death arising out of or incident to the performance or failure to perform the Agreement.

10. **LAWS**

The Recipient shall comply with all applicable laws, ordinances, codes, regulations, court rules, policies of local and state and federal governments, as now or hereafter amended.

11. **NONCOMPLIANCE WITH NONDISCRIMINATION LAWS**

During the performance of this Agreement, the Recipient shall comply with all federal, state, and local nondiscrimination laws, regulations and policies. In the event of the Recipient's non-compliance or refusal to comply with any nondiscrimination law, regulation or policy, this Agreement may be rescinded, canceled or terminated in whole or in part.

12. **RECAPTURE**

In the event that the Recipient fails to perform this Agreement in accordance with state laws, federal laws, and/or the provisions of the Agreement, OPD reserves the right to recapture funds in an amount to compensate OPD for the noncompliance in addition to any other remedies available at law or in equity.

13. **RECORDS MAINTENANCE**

The Recipient shall maintain all books, records, documents, data and other evidence relating to this Agreement. Recipient shall retain such records for a period of six (6) years following the end of the Agreement period. If any litigation, claim or audit is started before the expiration of the six (6) year period, the records shall be retained until all litigation, claims, or audit findings involving the records have been finally resolved.

14. **RIGHT OF INSPECTION**

At no additional cost all records relating to the Recipient's performance under this Agreement shall be subject at all reasonable times to inspection, review, and audit by OPD, the Office of the State Auditor, and state officials so authorized by law, in order to monitor and evaluate performance, compliance, and quality assurance under this Agreement. The Recipient shall provide access to its facilities for this purpose.

15. **SEVERABILITY**

If any provision of this Agreement or any provision of any document incorporated by reference shall be held invalid, such invalidity shall not affect the other provisions of this Agreement that can be given effect without the invalid provision, if such remainder conforms to the requirements of law and the fundamental purpose of this Agreement and to this end the provisions of this Agreement are declared to be severable.

16. **WAIVER**

Waiver of any default or breach shall not be deemed to be a waiver of any subsequent default or breach. Any waiver shall not be construed to be a modification of the terms of this Agreement unless stated to be such in writing.

**BOARD OF COUNTY COMMISSIONERS**  
WALLA WALLA COUNTY, WASHINGTON

**IN THE MATTER OF APPROVING  
OUT OF STATE TRAVEL FOR THE  
COUNTY TREASURER AND A  
STAFF MEMBER**



**RESOLUTION NO.**

**WHEREAS**, Walla Walla County Treasurer Gordon Heimbigner has requested approval for out of state travel to allow his attendance and that of Lisa Stober, Treasurer's office employee with lead staff responsibilities for investing under the direction and oversight of the county treasurer, at the Government Investment Officers Association conference in Las Vegas, Nevada, March 22 through 24, 2017; and

**WHEREAS**, conference costs are covered by the county's investment pool fees, with no Current Expense Fund monies expended; and

**WHEREAS**, approval of the request at this time will allow Mr. Heimbigner to monitor air fare and hotel rates and make reservations at the most favorable rates; now therefore

**BE IT HEREBY RESOLVED** by this Board of Walla Walla County Commissioners that out of state travel as outlined above is approved.

**BE IT FURTHER RESOLVED** that travel reimbursements shall be at the "high cost area" rate.

**BE IT FURTHER RESOLVED** that additional time to travel to or from said event, if needed, is also approved.

**BE IT FURTHER RESOLVED** that any personal travel costs shall be the responsibility of Mr. Heimbigner and/or Ms. Stober.

*"Passed this 5<sup>th</sup> day of December, 2016 by Board members as follows:      Present or      Participating via other means, and by the following vote:      Aye      Nay      Abstained      Absent."*

Attest:

\_\_\_\_\_  
Connie R. Vinti, Clerk of the Board

\_\_\_\_\_  
James K. Johnson, Chairman, District 1

\_\_\_\_\_  
Perry L. Dozier, Commissioner, District 2

\_\_\_\_\_  
James L. Duncan, Commissioner, District 3

*Constituting the Board of County Commissioners  
of Walla Walla County, Washington*

**COUNTY COMMISSIONERS (continued)**

- i) Consent Agenda Items (continued):**
  - 4) Resolution \_\_\_\_\_ - Approving an Agreement with Washington State Office of Public Defense
  - 5) Resolution \_\_\_\_\_ - Approving out of state travel for the County Treasurer and a staff member
  - 6) County warrants as follows: 4042201 through 4042217, totaling \$85,492.86 (payroll draws dated November 15, 2016); 4042387 through 4042435, totaling \$793,783.53 (November payroll); 4181195 through 4181218, totaling \$889,594.53 (benefits and deductions)
  - 7) Payroll action and other forms requiring Board approval
  
- j) Miscellaneous business to come before the Board**
  
- k) Review reports and correspondence; hear committee and meeting reports**
  
- l) Review of constituent concerns/possible updates re: past concerns**

10:00

**DEPARTMENT OF COMMUNITY HEALTH**

**Meghan DeBolt**

- a) Department update and miscellaneous

**a) Action Agenda Items (continued from November 21, 2016):**

- 1) Ordinance No. 458 – An ordinance regarding the acquisition of real property necessary for the Mill Creek Road Improvement Project, CRP 10-04, and the Scenic Loop Road Improvement Project, CRP 16-09, declaring the public use and necessity of same and authorizing the Prosecuting Attorney to begin condemnation proceedings

**b) Public Hearing: (10:30 a.m.)**

- 1) To consider franchise application of Raymond Reser, dba Reser Ranch, Inc.

**c) Action Agenda Items:**

- 1) Resolution \_\_\_\_\_ - Application of Raymond Reser, dba Reser Ranch, Inc. for a franchise to construct, operate, and maintain a utility system within the County road right of way in Walla Walla County, Washington

**d) Department update and miscellaneous**

**BOARD OF COUNTY COMMISSIONERS**  
WALLA WALLA COUNTY, WASHINGTON

IN THE MATTER OF THE  
APPLICATION OF RAYMOND  
RESER, dba RESER RANCH, INC.  
FOR A FRANCHISE TO CONSTRUCT,  
OPERATE, AND MAINTAIN A  
UTILITY SYSTEM WITHIN THE  
COUNTY ROAD RIGHT OF WAY, IN  
WALLA WALLA COUNTY,  
WASHINGTON

RESOLUTION NO.

**WHEREAS**, Raymond Reser, dba Reser Ranch, Inc. requested a franchise to construct, operate, and maintain a utility system within the public right of way; and

**WHEREAS**, any significant modification or any extensions of said system shall be approved by Public Works Department prior to construction; and

**WHEREAS**, December 5, 2016, was the date set for holding a public hearing to consider said application; and

**WHEREAS**, the Notice of Hearing was advertised and posted as prescribed by law; and

**WHEREAS**, said Hearing was held on the date advertised; now therefore

**BE IT HEREBY RESOLVED**, by this Board of Walla Walla County Commissioners, that Franchise No. 433 be granted to Raymond Reser, dba Reser Ranch, Inc.

*Passed this 5<sup>th</sup> day of **December, 2016** by Board members as follows:      Present or      Participating via other means, and by the following vote:      Aye      Nay      Abstained      Absent.*

Attest:

\_\_\_\_\_  
Connie R. Vinti, Clerk of the Board

\_\_\_\_\_  
James K. Johnson, Chairman, District 1

\_\_\_\_\_  
Perry L. Dozier, Commissioner, District 2

\_\_\_\_\_  
James L. Duncan, Commissioner, District 3

*Constituting the Board of County Commissioners  
of Walla Walla County, Washington*

**Walla Walla County Public Works  
PO Box 813  
Walla Walla, WA 99362**

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To: Board of County Commissioners

From: Randy Glaeser, Public Works Director

Date: 30 November 2016

Re: Director's Report for the Week of 29 November 2016

**Board Action: 5 December 2016**

**Hearings:**

**In the Matter of the Application of Raymond Reser DBA Reser Ranch Inc. for a Franchise to Construct, Operate, and Maintain a Utility Systems within the County Road Right of Way, In Walla Walla County**

**Resolutions:**

**In the Matter of Adopting the Application of Raymond Reser DBA Reser Ranch Inc. for a Franchise to Construct, Operate, and Maintain a Utility System within the County Road Right of Way, In Walla Walla County**

**ENGINEERING:**

- Mill Creek FH: Negotiations continue; five remaining property owners.
- Pflugrad Bridge: Cultural survey completed; waiting for report.
- Mill Creek Road MP 1.1 to MP 3.96: Acquisition to begin as time allows.
- Blue Creek Bridge: ROW acquisition in progress.
- Pemberton Bridge on Barney Road: Received Corps of Engineers and HPA permit and awaiting other permits.
- Second Avenue(Burbank): In design. Schedule for construction in spring 2017.

**MAINTENANCE:**

- Crews conducting routine maintenance.
- North crew completed stormwater projects on Lakeview Drive and Charbonneau.
- Dodd shoulder project underway.
- Toured Mill Creek Channel with Corps of Engineers and AECOM contractor representatives related to new risk assessment study.

**ADMINISTRATION:**

- Hired Casey Paul to begin work on 12 December to fill vacant position in the South District.
- Attended the CARS ribbon cutting ceremony.



**10:45**

**PROSECUTING ATTORNEY**

**Jim Nagle/Jesse Nolte**

- a)** Miscellaneous business for the Board
- b)** Possible executive session re:  
litigation or pending or potential  
litigation (pursuant to RCW 42.30.110(i))

11:00

**HUMAN RESOURCES/RISK MANAGER**

**Shelly Peters**

- a) Department update and miscellaneous
- b) **Active Agenda Items:**
  - 1) Possible discussion/decision re: any pending claims against the County
- c) Possible executive session re: personnel (pursuant to RCW 42.30.110(g)), collective bargaining negotiations (pursuant to RCW 42.30.140(4)(b)), and/or litigation or pending or potential litigation (pursuant to RCW 42.30.110(i))

**11:15 COUNTY COMMISSIONERS**

- a) Miscellaneous or unfinished business to come before the Board

**Noon RECESS**

**1:30 COUNTY COMMISSIONERS**

- a) Miscellaneous or unfinished business to come before the Board

**- A D J O U R N -**

*Walla Walla County is ADA compliant. Please contact TTY: (800) 833-6384 or 7-1-1 or the Commissioners' Office at 509/524-2505 three (3) days in advance if you need any language, hearing, or physical accommodation.*

*Please note that the agenda is tentative only. The Board may add, delete, or postpone items and may take action on an item not on the agenda.*