

October 23, 2023

The Board of Garfield County Commissioners met in regular session on Monday October 23, 2023, at 9:00 a.m. in the Commissioners' Chambers at the Garfield County Courthouse.

Present were: Chairman Justin Dixon, Member Jim Nelson, Member Larry Ledgerwood, Clerk of the Board McKenzie Lueck and the public.

The Board started the meeting with the Pledge of Allegiance.

The Board opened the meeting for public comments. There were no public comments.

Road Supervisor, Steve Gormsen, gave the road report. Mr. Gormsen stated that the graders ran on the following roads last week; McGrann Hill, Wildhorse Hill, East Lynn, Howell Grade, Malone Hill, Lewis, Upper Hutchins, Hutchins, Bosely, and Linville Ridge. He stated that with the colder weather coming this week, the graders will probably slow down. The crew hauled some rock to a few spots on Lewis Road; they covered the magnesium chloride by Gary Houser's house because it gets muddy there during the winter and they also hauled some rock to an area where the power company has had issues in the past with it being muddy. The crew also dipped ditches on East Lynn and Rice Bar to prepare for winter. There was vegetation control done on Sweeney and Peola Road to prepare for snow drifts, and the crew also trimmed trees throughout the county. He stated that there were a few signs that were repaired due to being shot. Steve informed the Board that they were able to finish striping last week. In the shop, they serviced the mower and did some temporary fixes so it could finish the season out. They have another week of mowing and then the mechanic will dig into the issues it's been having and get them fixed. They also serviced two pickups and are working on the sander box for a freightliner truck. Steve stated that the crew is going to work on winterizing things around the shop, fairgrounds, and their tankers. Chairman Dixon asked Steve to check with Shaneice Korrell, County Maintenance Person, and see if the sprinklers at the courthouse need blown out as well. Steve stated that he got the permit into the power company to tear the dodge tower out. He is hoping to get it disconnected this week and then they will get it torn down. He is trying to get someone to come out and tear the pole out (which has a few antennas on it), but the power company doesn't want the pole so they recommended that someone just cut it down. There was discussion regarding the wire and antennas that will be hauled off for scrap and where that revenue will get deposited. Chairman Dixon stated that since it's the Sheriff's communication tower it would make the most sense that that's where the funds go.

Monica Bartlow, Extension Office Secretary, joined the Board to discuss Shepherd Foundation grant requests that were brought forward at the fair board meeting. She stated that one of the ideas was to find a transportable speed bump for use during the fair. She stated that Engineer Wege is looking into this and he is going to talk to the City of Pomeroy and see if they are interested in using it when the County doesn't need it for the fair. The other idea was to purchase matching cabinets for the canning department, so they match the rest of the departments. Monica stated that she was looking at purchases from 2008 to see where they sourced the cabinets previously, but hasn't been able to locate it. Chairman Dixon stated that Shepherd requests are due today. Commissioner Nelson stated that if the fair board thinks these

are important items, the Board of County Commissioners will support them. Monica is going to continue looking for the vendor that the cabinets were purchased from before submitting the request to the Board.

Cyndi Holbert, E911 Coordinator, joined the Board to discuss an estimate for the call works GIS server. She stated that dispatch has a new call works system that has a 911 geo validation system that they have already paid for, but now they have to have a GIS server in order to use the geo service. She informed the Board that the Sheriff has decided to pay for this out of his budget. Cyndi has reviewed the procurement policy and they don't need to publish requests for proposals. She stated that the company that provided the estimate, Esri, has a contract with State E911 Coordination Office (SECO) as well, so we are getting a discount. The geo validation side of the call system, which is the mapping system, needs the GIS system in order to be utilized. The County Engineer has expressed interest in using the GIS system as well and that capability is possible with the product provided in the estimate. The annual system maintenance was discussed and it will be much less than the startup costs, and there are enough funds in the budget to cover the annual maintenance through the E911 budget.

Jeff Barnett joined the Board to discuss the way Garfield County operates their elections and counts their votes. He stated that he has a problem with the system that is used in Garfield County, and in Washington State. He informed the Board that he is old enough to remember when the state viewed sexual abuse of children as a crime and that the state has come a long ways since those times. He talked about the caring adults/parents that try to keep their children safe and how those are the individuals being prosecuted due to laws being passed that endanger our children. Jeff questioned why the people vote for these bills, judges sign off on them, legislature signs off on them, the governor signs off on them, when they are clearly evil and endangering our children and society. He stated that it's because of the corrupt systems that are in place. He asked the Board to make the decision to hand count our ballots for each election Amish style, and with the use of cameras. He stated that he has asked who the third party lab is that certifies the voting system for over a year and has not received an answer regarding who the lab is that certifies the election software. He also stated that the public is not allowed to see the source code. He asked why the source code is being kept a secret. Continuing that they do not belong to some bureaucracy. The government is the only ones that see the source code. He does not trust it. He informed the Board that the state blocks individuals from seeing the CVRs (cast vote records) which would show manipulation of the source. Jeff stated that voting by mail is bad enough because it allows for mass fraud, but now they are also keeping the source code a secret. Jeff stated that counting ballots by hand shouldn't have to cost any money, and that he does not trust the system being used to count votes. He insisted that they need to shed light on this. Jeff did conclude that he does trust the local officials, does not have any issues with them, and appreciates what they do. Commissioner Nelson thanked Jeff for the thought he put into his presentation, and he agreed that there were laws passing through legislation that he didn't agree with. Commissioner Nelson continued that he thinks the local numbers are counted accurately, citing the sheriff's race that occurred a few years ago which required a recount that was conducted by hand count and the results came out the same as what the computer system tabulated. Chairman Dixon expressed his appreciation of Jeff for bringing this concern forward to the Board and thanked him for the respect he brought to the table regarding the local elected officials. Chairman Dixon asked where we go and what we do from here stating that the laws are

set forth by legislation above the local authority. Chairman Dixon addressed Auditor McKenzie Lueck, and asked if she had anything she wanted to add or address. Auditor Lueck expressed appreciation for Jeff bringing these concerns forward. She stated that she did not have any current concerns about the election system. She stated that her office performs a random batch audit within 48 hours of each election where there are 6 batches of ballots randomly selected (which equals around 150 ballots), and of those ballots, there is one or multiple races that is/are hand counted. The hand counts are then audited against what the computer tabulated. She stated that she is one of the individuals that hand counts these ballots during these audits and there are typically observers during this process. She stated that she typically has to recount the ballots several times due to distractions and human error while counting. Due to this, she stated that hand counting an entire election might not be accurate, timely, and it would cost the county because she does not have enough staff to do this at this time. She stated that she understood where Jeff was coming from and would look into his concerns to see if she could find a remedy.

Shanda Wolf, Chief Deputy Auditor, and Greg Sharp, Information Technology Coordinator, joined the Board to discuss an election's IT grant. Shanda informed the Board that she has to get approval from the state that the requested items are allowable according to the state before they can move forward. She stated that this grant is a reimbursement grant, and stated that she wants to know where the Board intends to pay for the requested items out of prior to getting reimbursed. There was discussion about the renewal of the services that are intended to be purchased through the election grant and how those will be paid for in the future when there is no longer grant funding available. The items that are being submitted for approval through the grant are various IT security items. Greg gave the Board an overview of each item that will be submitted for approval through the grant. Shanda stated that her concern is that the county purchases these services/items now with grant funding, but what do we do in the future when we don't have this grant funding. Commissioner Ledgerwood stated that he thinks if this is something that we need for IT then we should be building it into the IT budget so we can fund it in the future. Commissioner Ledgerwood stated that we need to get the computer ERR fund built up. He stated that there may be a way to use funds from the Local Assistance and Tribal Consistency Fund (LATCF) to help build the buffer in the Computer ERR fund. Shanda asked for approval from the Board before moving forward with submitting the grant request to the state. She did inform the Board that they still don't know what the cost will be for the '.gov' transition. The Board gave approval to move forward. Commissioner Ledgerwood stated that since they have the funding now, and Shanda was trying to be proactive, then the Board should ask each department to be proactive and spread out the costs across each department. Auditor McKenzie Lueck stated that Greg informed her and Ashlyn Deatherage, Public Works Business Manager, that the switch needed for the server upgrade was back ordered and because of this he would like to order it this year so it is here by the time the other components are available in January. She stated that the cost for the switch was \$11,058.20 and they would have to pay this out of the 2023 budget, but the remaining costs associated with the upgrade would be paid out of the 2024 budget. Commissioner Ledgerwood stated that he is proactive in his personal business when it comes to the server because it is the lifeline of the company and that he feels the same way with the county. The Board unanimously agreed that they share the same thought with the county's IT needs. Chairman Dixon stated that they will look at unspent funds in the general fund and use those to cover the expenses for the switch since this expense wasn't budgeted for in 2023. The Board approved the payment of the switch.

Commissioner Ledgerwood made a motion to approve the Memorandum of Understanding (MOU) between Garfield County and Pomeroy Partners for Healthy Families Coalition to pass the opioid settlement monies that the county receives to the Coalition to be used to provide support to the community. Chairman Dixon seconded the motion. The motion passed unanimously and Chairman Dixon signed the MOU.

Chairman Dixon stated that he will be going to Walla Walla tomorrow for interviews for the Snake River Salmon Recovery Board Executive Director position. He continued that there will be a Snake River Salmon Recovery Board tomorrow evening that he will attend as well.

Commissioner Ledgerwood stated that he would review the Shepherd foundation requests before they are submitted next week. He stated that he is going to reach out to the open beef barn committee regarding the fans they want installed so they can submit a request for funding. Commissioner Ledgerwood stated that he would reach out to Chairman Dixon if there's something that needs another opinion. Chairman Dixon stated that he could reach out to Monica and let her know that she could have a little more time to prepare her request for Shepherd grant funding since Commissioner Ledgerwood would review them next week.

The Board recessed from 9:50 a.m. until 10:00 a.m.

The Board met with the Public Health Department from 10:00 a.m. until 10:40 a.m.

The Board met with the County Transportation Authority from 11:00 a.m. until 11:21 a.m.

The Board resumed regular session at 11:21 a.m.

Katie Magill, District Court Administrator/Courtroom Coordinator, joined the Board to give an update on the Courthouse Security Badge Project. She stated that Verkada started onsite and are working on getting devices installed on the doors. She stated that there were still three dutch doors that need to be installed but she was having a hard time getting contractors to give the county a quote. She informed the Board that Chris's Professional Electric and Construction (CPEC) came on Friday and is hoping to give a quote by the end of this week. Katie also reached out to LC Squared Construction & Landscape, another contractor located in the Lewis-Clark Valley, and they are going to give a quote as well. Verkada will come back and do the dutch doors once they are installed. Katie stated that she had reached out to 5-6 other contractors and they were not willing to do anything out of the LC valley. Commissioner Ledgerwood asked about the restriction of the doors, and if there was capability to restrict access so only certain employees could gain access to certain offices. Katie stated that she set herself, McKenzie, and Cyndi Holbert up as administrators. Commissioner Ledgerwood asked if the County will be able to program cards onsite. Katie stated that she would be able to program the cards when there's a new employee or deactivate if there was an employee that left employment. The Board thanked her for her time and the update.

Sheriff Hyer, Judge Cox, Prosecutor Newberg and Mark Sherwood with the Risk Pool joined the Board to discuss the jail. Chairman Dixon stated that he called these individuals together so they

could have a meeting to discuss the future of the Garfield County Jail. Chairman Dixon stated that the County did not have the 2024 insurance premium amounts back from the insurance yet, but stated that if the County was to close the jail there would be a large savings in the insurance premium which leads us to where we are today. Commissioner Nelson brought up discussion regarding the insurance facility review. He stated that every facility within the county had a review and the one that jumped out immediately was the jail's review where the risk pool specifically request the county close the jail and no longer hold detainees overnight. He continued that this is a major change from how the county has previously done business over the last 120 years. Judge Cox stated that he understands the liability and the costs associated with running the jail, but stated that we do have a rise in mental health problems where they have to be restrained for their own mental health reasons or for the safety of others, and some of these are not being helped by Quality Behavior Health. He asked what the county does with these individuals if they need detained until the following day. He also wanted to know the costs associated with contracting services with another facility to house our detainees/inmates. Chairman Dixon stated that he is in communication with another entity that would help house inmates and Columbia County is helping with figures for estimated costs because they outsource their jail to Walla Walla. Commissioner Nelson stated that in his perspective the County is going to need a temporary holding facility if there's a need to house someone over night until they can be seen by the judge or transportation can be arranged. He recognizes that there will be new costs associated with outsourcing jail services. He continued that he doesn't have a particular want one way or another, but when there is a recommendation from the insurance it's something that we can't ignore. Commissioner Nelson stated that there is not a perfect solution to this problem and that's why the Board wanted to have a round table conversation. There was discussion regarding how people would appear in court; electronically or transported back and forth. There was discussion on how the legislature has made mandatory jail time for repeat DUI offenders, and Commissioner Nelson stated that this is where the County is going to see an increase in expenses. Sheriff Hyer stated that he thinks the costs associated with outsourcing jail services will be around \$100 a day to house. Sheriff Hyer stated that he has had conversations with another sheriff regarding this situation and they said they would charge us what they are getting paid from the Department of Correction. Walla Walla can house up to 80 inmates. Commissioner Nelson stated that they are starting conversations about a regional facility but that's a long way down the road. Judge Cox stated that he wants to know how the County would handle an individual that needs detained for short periods (two-days or ten-days). He stated that he wants individuals to be in court for arraignments so he can see them when they're sentenced. He continued that he's concerned about the legislature cracking down on mental health and the liability is taking care of the non-lucid people. Chairman Dixon asked if those individuals would be safer in a facility more prepared for them. There was discussion regarding the Involuntary Treatment Act, and Sheriff Hyer stated those individuals go directly to the hospital, and the sheriff's office takes them there and stays there until the deputy is released by the hospital and the hospital staff informs the deputy that they feel safe and capable of handling the situation. Quality Behavioral Health then comes and gets involved to either place the individual or they assess that they don't have enough to hold them and they are released. Prosecutor Newberg stated that the main thing he wanted to add was that individuals that will be housed for 3-8 months, 6-9 months, or 9-12 months, will be longer term stays that aren't going to be at the DOC. He stated that the county is going to have to budget for longer term stays but added that he thinks both Walla Walla and Asotin's facilities are great. He added that the current public

defender is out of Dayton so Walla Walla would be closer for her. There was discussion regarding inmates potentially needing to appear in court remotely, and Mr. Newberg stated that the technology might need to be updated. Judge Cox added that when there are signatures needed on documents during court proceedings then the inmates will need to be in the court room. Commissioner Nelson stated that the state has changed and legislature has changed and it appears that they don't like prisons so there will be more people staying in local jails. He continued that because of this the county will have to look at what we are currently spending for the jail and what the transport fees will be in the event that we change. Judge Cox stated that as a long time practicing criminal attorney, the little things that cause lawsuits are things such as the drop in services that weren't intentionally overlooked but fall through the cracks. Commissioner Nelson asked if the mental health crisis is Judge Cox's major concern, and Judge Cox agreed that it was. He continued that he wants to make sure these things are covered as much as possible. Commissioner Ledgerwood stated that he knows that there have been locals in the past that did local work release programs and that's not possible if the county outsources jail services. Chairman Dixon asked Mark Sherwood, the county's risk pool representative, if there was a difference between short term and long term jail facility and if there's any leeway when the risk pool requested the county close the jail. Mark stated, "The biggest concern here is the ability for inmates to be viewed, contacted, ensured that they are continuing to stay as healthy as possible, and with the current set up here there are gaps. There are gaps here for the ability of the sheriff's personnel to be able to monitor and ensure the safety of each and every one of the inmates. As far as having the facility for a work release, there's potential for something along those lines." Mr. Sherwood continued that he still has the same concerns and issues with the facility and personnel and that he doesn't feel they can be corrected at this time. Chairman Dixon talked about the jail standards but stated that the problem is those standards aren't being met. He stated that it is tough to meet those standards and questioned which liability was greater; keeping the jail or out sourcing the housing of detainees? Judge Cox spoke about a situation where there is an individual that should be detained and stated isn't that a liability if we don't have a place to detain them. He continued by questioning, "If we have someone acting irrationally, what are we going to do to failsafe their safety, or an assault, how do you keep everyone safe in that situation?" He wants to address the issues so we have some sort of back safe. Commissioner Nelson stated that he doesn't think we currently have an issue because we aren't currently bringing those individuals to the jail, they are being transported to the hospital. Sheriff Hyer spoke about an individual he recently took to Tri-State Memorial Hospital, which has a room devoted for these types of people, and they have more daily contacts with these types of situations and was told to feel free to keep bringing them here. There was discussion regarding the transportation issue if the county outsourced jail services and Chairman Dixon stated that if the county out sourced to Columbia or Walla Walla County, there's been discussion about meeting at the county line so our deputies never have to leave the county. He continued that these are obviously things that will need worked out in a contract if we move forward with outsourcing jail services. Sheriff Hyer stated that Walla Walla currently has 45 inmates housed but can hold 80. He stated that worst case scenario, Garfield County would house up to 5 people a day 365 days a year. He stated that currently the county is housing 1 inmate but averages less than 1 inmate a day. Commissioner Nelson stated that the county has an unresolved, pending litigation and asked Mr. Sherwood what kind of time frame the risk pool is wanting on a decision from the Board on the jail? Mr. Sherwood stated the risk pool would like an answer sooner rather than later, but preferably between 60-90 days. He continued that they would understand if it

takes longer to get something in place. Chairman Dixon stated that he would meet with Prosecutor Newberg, and Mr. Sherwood to discuss the situation in depth and figure out the next steps in moving forward, adding that unfortunately the jail is high risk. Commissioner Nelson asked the Sheriff to put together budgets for the last couple years so the Board could look at historical data of the jail's budget to compare with projected costs of outsourcing. Sheriff Hyer stated that he thinks they budget about \$250,000 a year. Judge Cox asked how it would affect the personnel if the jail was closed and Sheriff Hyer stated that it shouldn't affect any personnel. Commissioner Nelson stated that Columbia County recently closed their jail and are doing court proceedings mostly remotely, but will bring inmates in person for certain things. Judge Cox talked about the inconvenience of being remote depending of the situation. Chairman Dixon stated that he doesn't care what kind of inconvenience it is to have people remote, and that we don't have the staff in place, and protocols were missed in the last situation and because of that we are dealing with the biggest liability which is the pending lawsuit. He continued stating, that since we aren't going to meet the protocols in place, then we need to do something different. It might cost more but it's less of a liability. Sheriff Hyer talked about how the state is going to force all counties with a jail to increase the standards beyond what they are currently. He continued that they're looking at it and they have committees in place pushing for it. Sheriff Hyer continued, saying that getting ahead of the curve might be good. He added that Adams County closed their jail and they are going to Benton and/or Franklin Counties and there are other counties that are also having issues. Commissioner Ledgerwood stated that the Board doesn't want to jump into something, they want to do their research and do what's best for the county. Sheriff Hyer asked what happens next. Chairman Dixon stated that next he will work with Prosecutor Newberg and the risk pool to discuss a few options and then they will come back to the group for further discussion. Commissioner Nelson asked Sheriff Hyer what his thoughts were and Sheriff Hyer stated that he would like the jail up and running and running well, but it would cost too much and he doesn't think it's possible. Sheriff Hyer continued that he doesn't have any qualms with what the Board is looking at with outsourcing jail services. Commissioner Nelson said even if there's a change made, Sheriff Hyer can assure his deputies that there will probably be a short term holding facility in Garfield County. Commissioner Nelson asked Sheriff Hyer to jot down any notes that he thinks of regarding the jail situation, as the annual Washington Association of Sheriff's and Police Captains (WASPC) is coming up soon. Sheriff Hyer stated that he will have conversations at WASPC, and look at the detention center in Walla Walla.

There was conversation regarding the Data Sharing Agreement between the County and the Secretary of State's Office. Auditor McKenzie Lueck informed the Board that she spoke with Prosecutor Newberg and he didn't have any reservations about the agreement as long as she did not. She stated that she was going to talk with a few other counties before moving forward with the agreement but asked for the Board's approval pending her decision to move forward. The Board agreed to have the chairman sign the agreement once McKenzie checks with other counties.

The Board reviewed a letter from Washington Association of County Officials regarding annual dues and gave approval to pay the 2024 WACO dues.

The following voucher payments were approved for payment:

## Claims Clearing Fund

Numbers: 70152	Through: 70204	Totaling: <u>\$129,883.32</u>
Numbers: 70205	Through: 70230	Totaling: <u>\$73,641.15</u>

The Commissioners regular meeting adjourned at 12:19 p.m. with the next regular meeting set for Monday, November 6<sup>th</sup>, 2023, at 9:00 a.m. in the Commissioner's Chambers at the Garfield County Courthouse.

/s/ McKenzie Lueck  
Attest: Clerk of the Board

/s/ Larry Ledgerwood  
Chairman, Board of Garfield County Commissioners