

December 4, 2023

The Board of Garfield County Commissioners met in regular session on Monday December 4, 2023, at 9:00 a.m. in the Commissioners' Chambers at the Garfield County Courthouse.

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

The Board started the meeting with the Pledge of Allegiance.

The Board reviewed and approved the minutes from the previous meeting.

Chairman Dixon called for public comment.

Road Supervisor, Steve Gormsen, gave the road report. The graders couldn't run most of the week due to the frozen conditions, however, they were able to grade some on Peola Road and Lynn Gulch. The grader operators did rake several roads and are working on a project list for 2024. The crew worked on the Gieger Gulch bridge where the guardrail has been down for the last few years. They are also working on Malone Hill on a bridge where the guardrail has fallen down. They are doing culvert checks and have been burning weeds at the culvert heads. The crew is also doing vegetation control which included mowing Casey Creek and trimming trees. County Road received a compliment from people that work at the dam, stating that they are happy to see the county mowing and trimming trees down that way because it makes a big difference for them. In the shop, they worked on E251's lights and truck E259. Steve informed the Board that they left their dump trucks unplowed so they could haul things as needed, but they do have three trucks with snow plows on so they are ready for the weather to turn. This week the power company is going to move their pole on Pataha Creek so the crew is digging a ditch and then the power company will come in and lay their line and do the rest of the work for that project. The crew will also dig a ditch at the transfer station from the new building to the old building so the electrician can run power to it, at which point it should be ready for the transfer station's employee. Steve stated that Willie Ruchert did have to plow on Friday due to drifting by the boundary to Red Hill so the school bus could make their route. There was discussion regarding different intersections throughout the county that have a potential to be slick. Steve gave an update on the guardrail on Meadow Creek stating that they are working on getting it fixed but is running into a problem because the State Department of Transportation is on their winter schedule so they are running only a few crew members at a time, but Steve will try to coordinate with the state to drive the posts and then the county will do the labor. He also informed the Board that Asotin County is borrowing the chipper for a day due to having multiple downed trees.

Stan Warren joined the Board to see where they were on the agricultural exemptions for building permits. Engineer Wege drafted a policy and provided a copy to the Board. There were some items they had questions on, and now the draft is going to the Prosecuting Attorney for review before the Board moves forward.

Engineer Wege stated that he has been reviewing the cost reimbursement for a project and has also been reviewing the Century Link telephone line damage. He spoke with Prosecutor Newberg about the situation (County Road was trying to clear a ditch so water would drain properly and not continue to flood the road but in doing so, hit one of Century Link's telephone lines right below the bottom of the ditch) and Prosecutor Newberg does not want the county to pay it without further investigation. Engineer Wege stated that this took place about six months ago and the County received a bill for about \$4,300 in damages. Engineer Wege stated that the county road standard shows that the line is supposed to be 30 inches below the bottom of the ditch. Engineer Wege stated that he has reached out to Century Link as well as the collections company but has not heard back. He provided pictures of the ditch and the line that Steve had taken when the incident occurred so the Board could see. He continued, stating that the tricky part about this situation is that this road used to be a state highway until 1986 or 1988 when it got turned over to the County. He has been trying to find the State's Road Standards from that time to determine if the phone company met the standard or if the line was not low enough. Commissioner Ledgerwood requested that Engineer Wege send the pictures of where the damage occurred which show that the phone line was not very far below the bottom of the ditch.

Engineer Wege continued with his update stating that he completed the review of the Statement of Qualifications and has scheduled interviews with the contractors that qualify for the work. Interviews will take place next week. Chairman Dixon asked if the interviews would be virtual, and Engineer Wege stated that they will be in person at Public Works. Engineer Wege also spoke with Prosecutor Newberg regarding the potential change to building permit requirements as it pertains to Stan Warren's situation. They also spoke about the situation regarding Nick Waldher and a piece of property adjacent to him. Prosecutor Newberg thinks that once the school (another adjacent property owner) is removed from the scenario, then the process of getting the property into Nick's possession will be easier. There was also discussion regarding a surplus sale with the requirement of the bidders to have to be adjacent landowners due to this property potentially being landlocked. The Board asked that Engineer Wege move forward with surplus the land with the stipulation that only adjacent landowners are eligible bidders. Engineer Wege informed the Board that he had done as much as he thought he could at this time and turned it over to the Board. The Board will discuss how to move forward with the Prosecutor. Engineer Wege continued with his updates, stating County Road is updating rock prices from \$12 to \$14 which is comparable to prices in the valley. They are also in the process of changing prices of sanding chips and other supplies that are not for retail but are sold between County funds, because current prices do not reflect the actual cost of those supplies. Chairman Dixon stated that it is a good time of year for the Board to receive an update on rock inventory. There was discussion regarding the rock quantity and use in Peola. Engineer Wege stated that they would work on that and continued with his update from last week stating that he went through the 2023 expenditures with Ashlyn. He worked on the draft of the ag permit exemption. He stated that one of the items he ran into while working on the draft was the idea of flagging the title to the property. He stated that the Board had previously discussed this and were all in favor of somehow flagging property to make it easier for future buyers to be aware that there were buildings on the property that might not have had a building inspection, however, he hasn't found a good way to do that. He tried to look at what other jurisdictions have done but was unsuccessful so far. He has spoken with the Assessor as well as read real property laws. Within the current laws there is an existing requirement to disclose buildings that did not have a permit, but he stated that the hang up with

relying on that is how the seller might interpret that part of the law. A seller might think that since the permit was not required due to the permit exemption than they do not have to disclose it. There was discussion regarding yurts and storage containers and how the Board would like to handle those building types in the permit exemption. The Board is reviewing the draft and Prosecutor Newberg will review it as well.

There was a brief discussion regarding Local Assistance and Tribal Consistency Funds; McKenzie will provide the Board with an updated list of expenditures for this grant and they will discuss it at a future meeting.

Sheriff Hyer joined the Board to discuss an advertisement that his staff placed in the paper for a new repeater. Chairman Dixon stated that last week he spoke with Cyndi Holbert, E911 Coordinator, regarding an underground line that runs from the Sheriff's office to a radio tower up on Pomeroy Hill. Luman is the line holder, but if the Sheriff's office calls when they're having problems with the line, it could be a few days before it gets serviced. Valence has a system that is a line-of-sight system, but they need to put a repeater at Zumalt for it to have line-of-sight to Pomeroy Hill to the radio tower. This new system would cover the county. There was discussion that the cost is potentially going to be above the procurement policy threshold of \$50,000 and because of that the Sheriff's office is advertising it. Sheriff Hyer stated that he has several expenditures to pull from to pay for it. Chairman Dixon asked the Sheriff's office to run an ad to meet procurement policy requirements and stated that the County could pay \$30,000 out of this year's budget and pay the rest out of next year's budget. Sheriff Hyer stated that the issues are happening more frequently. Sheriff Hyer stated that he thinks Whitman County is already using this technology and he was with Prosecutor Newberg on the river recovering a body and they were able to communicate with Whitman County dispatch because the new technology allowed it. The Board was in favor of moving forward with this project, as the current technology is not reliable and could be a liability to the county.

Sheriff Hyer and Chairman Dixon went to Walla Walla County to meet with a Walla Walla County Commissioner, a Columbia County Commissioner, Columbia County Sheriff, and three employees from the jail in Walla Walla. The purpose of this meeting was to talk about what it would look like if Garfield County signed a contract for Walla Walla County to house Garfield County's inmates. One of the discussion items was 24-hour transport which included Walla Walla County meeting Garfield County at any time to transport inmates. Chairman Dixon also pointed out that the facility in Walla Walla has better mental health resources. Walla Walla County currently uses Sunny Side Police Department as a backup facility if they are full. Walla Walla County has a mental health individual, caseworker, and nurses on staff. Sheriff Hyer stated that he saw a caseworker working with an inmate while they were there, and he was able to see their infirmary where he spoke with a nurse and nurse's assistant. Chairman Dixon stated that Walla Walla's request to start the contract with Garfield for needs and services is they would like Garfield County to pay for one full time employee. This would guarantee that there would be someone available to transport for Garfield County at any time. Walla Walla proposed that Columbia County also pay for two full time employees. Columbia County currently has a contract with Walla Walla right now, but the terms are different than what is being proposed. Walla Walla would not charge additional travel costs, but there would be housing costs of \$97 per inmate per day. Chairman Dixon stated that their day rate right now is \$97 per day. Once the

inmate is in custody of a Walla Walla County employee then the liability falls on Walla Walla County and is no longer Garfield County's concern. Commissioner Nelson asked what happens if a Judge wants to see an inmate in person for a court date? Sheriff Hyer stated that he thinks that transport fees related to and from court hearings will be at the expense of Garfield County. Sheriff Hyer continued that he thinks the District Court and Superior Court Judges wouldn't have a problem with inmates using Zoom to appear in court except for special circumstances such as arraignment or sentencing. Commissioner Nelson asked Sheriff Hyer what the current annual budget is for the Jail and Sheriff Hyer stated that he spends about \$250,000 annually on the jail budget. Commissioner Nelson asked if the proposed costs are comparable. Sheriff Hyer stated that in the worst-case scenario they would house five inmates a day at \$97 per day, so roughly \$177,025 annually, plus the costs of a full-time employee which would be close to \$90,000 per year, so approximately \$267,025. Sheriff Hyer stated that he thinks Garfield County can negotiate the price. There was discussion about Asotin County's jail facility that will be up and running in November or December of next year. There was discussion regarding the length of the contract to negotiate with Walla Walla. Chairman Dixon stated that there are some positives to working with Walla Walla County; they are already up and running and have the kinks worked out. Commissioner Nelson asked Sheriff Hyer if there was any reason to maintain a holding facility and Sheriff Hyer said no because it's still a liability to the county. He continued that Columbia County transfers inmates as soon as possible and does not have a holding facility. Commissioner Nelson stated that he thinks the County is moving in the direction of housing inmates if for no other reason than insurance driving it, but he would like to see a break down from the Sheriff of costs for the jail. Then the Board can lay both scenarios side by side to compare. There was discussion regarding a one-year trial contract with Walla Walla for these services. Sheriff Hyer is going to work on numbers for the Board. Chairman Dixon has reached out to Clear Risk to see how this will affect the county's premiums. He will let the Board know what he finds out.

There was a public hearing for the Board to certify resolutions for the General fund, County Road District, and Mental Health. Chairman Dixon stated that the Board is allowed to increase the levy amount by no more or no greater than 1%. Commissioner Ledgerwood moved to approve Resolution No. 2023-21 in the matter of setting the 2024 levy amount for the Garfield Co. General Fund. Commissioner Nelson seconded the motion and it passed unanimously. The Board reviewed Resolution 2023-22 in the matter setting the 2024 levy amount for the Garfield County Road District. Commissioner Nelson moved to approve resolution 2023-22 and Commissioner Ledgerwood seconded it. The motion passed unanimously. The Board reviewed Resolution 2023-23 in the matter of doing a levy shift in 2024 of \$30,000 from County Road to Current Expense. Commissioner Ledgerwood made a motion to approve Resolution 2023-23 and Commissioner Nelson seconded it. The motion passed unanimously.

The Board reviewed the certification of levies from Pomeroy and Clarkston school districts.

Chairman Dixon stated that he attended an Eastern Coalition of Governments (ECOG) meeting last week and there was a mayor from a city on the west side that gave a presentation on software that made it more efficient to search meeting minutes. There was discussion about how useful this would be as it pertains to researching items that had been previously discussed.

Engineer Wege rejoined the Board and stated that he spoke with the Assessor regarding the ag permit exemptions and how to disclose it to future land purchasers. Engineer Wege and Assessor Bartels discussed requiring it to be filed and recorded with the Auditor's office because it would show up in future land searches. There was continued discussion regarding different potential ways to make sure that these exemptions are easily searchable during a title search, so they are disclosed in future sales.

Chairman Dixon stated that the Board received a letter from the Harold and Helen Shepherd Foundation regarding the acceptance of the requests for funds for several projects. The County received \$46,800.00 from the Harold and Helen Shepherd Foundation. The Board thanked the foundation for their continued gracious support.

The Board recessed from 10:15 until 10:20.

The Board was in executive session from 10:20 until 10:45 for the performance of an employee.

The Board recessed from 10:45 a.m. until 11:00 a.m.

The Board met with the County Transportation Authority during an executive session from 11:00 a.m. until 11:37 a.m. The Board met with the County Transportation Authority during a budget hearing from 11:37 a.m. until 11:43 a.m.

The Board went into executive session regarding the performance of an employee from 11:44 a.m. until 12:15 p.m.

The Board recessed from 12:15 p.m. until 12:45 p.m.

The Board went into executive session from 12:45 p.m. to 1:08 p.m.

The Board resumed its regular session at 1:13 p.m. There was discussion about what was left for budget requests and there were no new requests to bring to the Board. There was discussion regarding changes to County Road's budgets and when the Auditor can expect those, later this week. Chairman Dixon stated that the executive session earlier was regarding changes that will be made to an employee. Commissioner Nelson stated that on the ALTC budget the Information Specialist's salary will be increased to \$70,569.32. This position will continue to work 40 hours per week and will be non-exempt of overtime.

Chairman Dixon stated that he would like to add a position to the commissioner's budget to pay the Clerk of the Board position in the amount of \$850 per month. He stated that this would be a separate, contracted position. Commissioner Ledgerwood made a motion to add a line in the budget to pay the Clerk of the Board position \$850 per month, and Commissioner Nelson seconded the motion. The motion passed unanimously.

The Commissioners regular meeting adjourned at 1:27 p.m. with the next regular meeting set for Monday, December 11th, 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/ Justin Dixon
Chairman, Board of Garfield County Commissioners

Adopted