

COMMISSIONERS' PROCEEDINGS

Adams County Courthouse
Ritzville, Washington
Regular Meeting

August 22, 2016
(Monday)

Call to Order @ 8:30 a.m.

Present:

Chairman John N. Marshall
Vice-Chairman Jeffrey W. Stevens
Commissioner Roger L. Hartwig

[9:33:49 AM](#)

502 Moratorium

Prosecutor Flyckt and Building and Planning Director Wiltse met with the Board to review a proposed moratorium establishing marijuana producers, marijuana processors, marijuana retailers, and retail outlets designated as prohibited uses within residentially zoned areas, areas within one (1) mile of a residentially zoned area, and areas within two (2) miles of an incorporated community boundary within the unincorporated areas of Adams County. Further, the moratorium will prohibit marijuana extraction processes in unincorporated Adams County except in areas zoned industrial, which are not otherwise prohibited.

Additionally present were Popa's Farms spokesmen Justin Gonzales and James Vondrachek.

Director Wiltse presented a map detailing the buffer zones of residential areas to be attached as Exhibit A to proposed Resolution No. R-025-2016.

Pursuant to RCW 36.70.795 and RCW 36.70A.390, public hearings will be conducted on Monday, September 26, 2016 at 11:00 a.m. in Room 202 of the Adams County Courthouse, Ritzville; and, Wednesday, September 28, 2016 at 11:00 a.m. in the District Courtroom of the Public Services Building, Othello, to consider whether the moratorium will remain in effect.

[10:02:23 AM](#)

[10:04:43 AM](#)

Lugar Seguro No. II Farm Labor Housing Project

Building and Planning Director Wiltse reported the Housing Authority in Othello has made substantial progress with the Lugar Seguro II Farm Labor Housing project. The Housing Authority has met with the Adams County Planning Commission and reviewed the conditions and recommendations submitted to the Board. The Othello Housing Authority is requesting Adams County grant a temporary certificate of occupancy in order to fulfill the requirement for contracted labor housing.

Commissioner Stevens moved, Hartwig seconded, to *grant temporary occupancy to the Othello Housing Authority Lugar Seguro No. II Project.*

Motion carried. The Othello Housing Authority has sixty (60) days to complete the remainder of the required documents.

[10:13:00 AM](#)

[11:02:24 AM](#)

Bruce Industrial Wastewater Feasibility Study

Commissioner Stevens moved, Marshall seconded, the *appointment of Commissioner Hartwig as temporary Chairman for the purpose of approval and execution of Community Economic Revitalization Board (CERB) Contract No. S15-790A0-076 between Washington State Department of Commerce Community Economic Revitalization Board and Adams County in the amount of \$50,000 for the purpose of a study to determine the feasibility, design and cost for an industrial wastewater facility at Bruce Industrial Park.* **Motion carried.**

[11:22:17 AM](#)

Recess @ 12:00

Reconvene @ 1:00 p.m.

Building and Planning Director Wiltse cancelled his appointment.

Integrated Health Care Services

Director Guse (via e-mail) requested authorization to fill an Administrative Assistant position vacancy. Board **consensus authorized proceeding with the advertising/interview process to fill the vacancy.**

[1:28:52 AM](#)

Superior Court Clerk Vacancy

Commissioner Stevens moved, Hartwig seconded, to *approve Resolution No. R-026-2016 In the Matter of Appointment of an Acting Adams County Clerk and Setting Salary for Same.* **Motion carried.**

[1:37:49 PM](#)

[2:02:55 PM](#)

Public Works

Engineer Yaeger and Assistant Engineer Colyar reported the following:

- Crack sealing; brooming; gravel road maintenance; knifing; weeding; and, mowing
- Replacement valve for the jail shower is being researched
- Work is progressing at the fairgrounds – watering; cleaning up;

Engineer Yaeger provided updates on Johnson Road; Lee Road; and, McManamon Road Bridge projects.

Integrated Health Care Services Standby Emergency Generator

Commissioner Hartwig moved, Stevens seconded to *authorize the Chairman to sign the Agreement between Adams County and Farmers Electric II, LLC, Othello, in the amount of \$92,514 for the purchase and installation of a standby emergency generator at the Adams County Integrated Health Services Building, Othello.* **Motion carried.**

[2:46:17 PM](#)

RAP Call for Projects

Engineer Yaeger explained the four potential projects being submitted which included Atkinson Road reconstruction; Cunningham Road widening; Lind-Hatton Road #5 widening; and, Lind-Hatton Road #3 reconstruction. Following discussion, the Board **by consensus authorized Public Works to move forward with the submittal of Atkinson Road; Cunningham Road; Lind-Hatton Road #5; and Lind-Hatton Road #3 projects.**

[2:55:23 PM](#)

502 Moratorium

Commissioner Hartwig moved, Stevens seconded, to *approve Resolution No. R-025-2016 In the Matter of Adopting a Moratorium in the Establishment of Marijuana Producers, Marijuana Processors, and Marijuana Retailers in the Unincorporated County of Adams, Providing for a Public Hearing, and Providing he Moratorium, Unless Extended, Shall Sunset Within Six (6) Months of the Effective Date of Adoption.* **Motion carried.**

Resolution No. R-024-2016

Commissioner Stevens moved, Hartwig seconded, to *approve Resolution R-024-2016 In the Matter of Transferring Funds from County Road Fund*

#115 to Current Expense Fund #001 for Traffic Policing Purposes. **Motion carried.**

Consent Agenda

Commissioner Hartwig moved, Stevens seconded, to *approve the Consent Agenda*. **Motion carried.**

Preliminary minutes of August 15 and 17, 2016

Vouchers audited and certified by the Adams County Auditor as required by RCW 42.24.080, and those expense reimbursement claims certified as required by RCW 42.24.090 and recorded on a listing, which was made available to the Board. These vouchers were listed as follows:

<u>Fund</u>	<u>Control Number</u>	<u>Amount</u>
001	163068 – 163095	\$14,266.13
103	163096	\$ 154.70
104	163097 – 163113	\$22,474.24
109	163114	\$ 644.49
116	163115	\$ 28.94
117	163116 – 163119	\$ 966.26
122	163120 – 163130	\$12,420.73
130	163131	\$ 153.00
166	163132 – 163134	\$ 456.05
502	163135	\$ 594.30
115	1316 – 1320	\$ 789.15
401	1321 – 1323	\$ 8,304.03
501	1324 – 1327	\$ 1,425.94
590	1328 – 1341	\$12,528.59
	TOTAL	\$75,206.55

[2:58:29 PM](#)

[3:00:23 PM](#)

Superior Court

Judge Dixon provided an update on pending costs relating to a recent homicide occurring in Adams County. Should the case continue to trial, interpreting costs may be as high as \$20,000. The Board concurred this situation could not be anticipated in the current budget and options will be reviewed for funding.

Shared Vacation Leave

Superior Court Administrator Sandra Bauer requested and received by **consensus authorization for a Juvenile Department Union employee to request and use any shared vacation time donated while out on extended sick leave.**

[3:12:02 PM](#)

Permanent Minutes Signed

August 8 and 10, 2016

Correspondence Received

Notice of Marijuana License Application re: Popa's Farms, LLC,
1874 N. Batum Road, Ste. 300, Odessa

Copy of letter issued by Asotin County Board of Commissioners to
Congresswoman Cathy McMorris Rodgers re: River Usage Fees

Community Development Director Travis Goddard, City of Othello
re: Marijuana License Application on Cemetery Road

Adjournment @ 3:25 p.m.

Submitted:

s/Patricia J. Phillips
Clerk of the Board

Edited and Approved:

BOARD OF COUNTY COMMISSIONERS
ADAMS COUNTY, WASHINGTON
s/John N. Marshall, Chairman
s/Jeffrey W. Stevens, Vice-Chairman
s/Roger L. Hartwig, Commissioner

RESOLUTION NO. R-024-2016

**ORDER OF BOARD OF COUNTY COMMISSIONERS
ADAMS COUNTY, WASHINGTON**

**IN THE MATTER OF TRANSFERRING FUNDS FROM COUNTY ROAD FUND #115 TO
CURRENT EXPENSE FUND #001 FOR TRAFFIC POLICING PURPOSES.**

WHEREAS, on January 25, 2016 Adams County Board of County Commissioners
allocated funds from County Road Fund #115 to the Current Expense Fund #001 in the

amount of \$100,000, with reimbursement not to exceed \$25,000 quarterly, for the purpose of providing traffic policing and road related services,

WHEREAS, on February 16, 2016 the Adams County Board of County Commissioners and the Adams County Sheriff entered into a Traffic Policing for County Roads Agreement to provide annual funding from County Road Fund #115 to the Current Expense Fund #001 for the exclusive use by the Adams County Sheriff's Department for the sole purpose of providing traffic policing and road related services,

WHEREAS, on February 17, 2016 Adams County Department of Public Works and the Adams County Sheriff's Department entered into the Memorandum of Understanding between the Departments for Traffic Policing on County Roads;

NOW THEREFORE BE IT HEREBY RESOLVED that Twenty five thousand and no/100 dollars (\$25,000) be transferred from County Road Fund #115 Bars 597.21.70.00 to the Current Expense Fund #001 Bars 397.21 for payment for Traffic Policing Activities for the 1st quarter of 2016 being from February 16, 2016 to March 31, 2016.

DATED this 22nd day of August, 2016.

BOARD OF COUNTY COMMISSIONERS
ADAMS COUNTY, WASHINGTON
s/John N. Marshall, Chairman
s/Jeffrey W. Stevens, Vice-Chairman
s/Roger L. Hartwig, Commissioner

ATTEST:
s/Patricia J. Phillips
Clerk of the Board

RESOLUTION NO. R- 025-2016

**ORDER OF BOARD OF COUNTY COMMISSIONERS
ADAMS COUNTY, WASHINGTON**

IN THE MATTER OF ADOPTING A MORATORIUM ON THE ESTABLISHMENT OF MARIJUANA PRODUCERS, MARIJUANA PROCESSORS, AND MARIJUANA RETAILERS IN THE UNINCORPORATED COUNTY OF ADAMS, PROVIDING FOR A PUBLIC HEARING, AND PROVIDING THE MORATORIUM, UNLESS EXTENDED, SHALL SUNSET WITHIN SIX (6) MONTHS OF THE EFFECTIVE DATE OF ADOPTION

WHEREAS, Initiative Measure No. 502 passed on November 5, 2012, amended Chapter 69.50 RCW as to the State's approach to adult use of recreational marijuana; and

WHEREAS, the Washington State Liquor and Cannabis Board (WSLCB) has adopted implementing rules to license production, processing, and retail sales of recreational marijuana and marijuana products;

WHEREAS, Adams County previously declined to adopt regulations adding to state statutes and regulations governing recreational marijuana production, processing, and retail sales resulting from passage of Initiative 502.

WHEREAS, the legislature recently enacted HB2136 and SB 5052, which remove or lessen some of the regulations contained in Initiative-502;

WHEREAS, the WSLCB, by letter dated September 23, 2015, informed local governments that it will begin accepting new applications for retail licenses on October 12, 2015, and will not limit the number of licensed retail stores;

WHEREAS, the WSLCB encouraged local governments who may be concerned about density and other issues related to the number of potential retail marijuana licenses to make rules or ordinances to address these concerns;

WHEREAS, Adams County has begun to experience an increase in marijuana retail, processors, and producers interested in relocating, or moving to Adams County, and there is not sufficient time for Adams County to conduct code drafting and required public notice and hearings;

WHEREAS, unknown quantities of licensed recreational and medical marijuana retail stores, production, and processing activities and uses can have significant impacts on communities;

WHEREAS, much research and analysis is necessary before Adams County can determine the impact of marijuana production, processing, and retailing uses in the County, and the level and types of regulations which may be necessary to address impacts;

WHEREAS, the board determines it is necessary to enact a moratorium to limit the location of licensed recreational and medical marijuana retail sales, production, and processing, and implementation of SB 5052 and HB 2136 in the interest of the protection of public safety and health, and in the interest of providing time to evaluate the best alternative for the community.

THEREFORE BE IT HEREBY RESOLVED as follows by the Adams County Board of Commissioners:

1. Pursuant to the provisions of RCW 36.70.795 and RCW 36.70A.390, Adams County does hereby adopt a six (6) month moratorium prohibiting the establishment or siting of licensed recreational and medical marijuana retail outlets, production, and processing, and on the implementation of SB 5052 and HB 2136, which shall expire unless renewed or otherwise extended as provided in RCW 36.70.795 and RCW 36.70A.390.
2. Marijuana producers, marijuana processors, marijuana retailers, and retail outlets are hereby designated as prohibited uses within residentially zoned areas, areas within one (1) mile of a residentially zoned area, and areas within two (2) miles of an incorporated community boundary within the unincorporated areas of Adams

County. A map illustrating such boundaries is attached hereto and incorporated herein as Exhibit A.

3. Marijuana extraction processes are hereby prohibited in unincorporated Adams County except in areas zoned industrial, which are not otherwise prohibited.
4. Pursuant to the provisions of RCW 36.70.795 and RCW 36.70A.390, a duly advertised public hearing shall be conducted on Monday, September 26, 2016 at 11:00 a.m. in Room 202 of the Adams County Courthouse, 210 W. Broadway, Ritzville, Washington; and, Wednesday, September 28, 2016 at 11:00 a.m. in the District Courtroom of the Public Services Building, 425 E. Main, Othello, Washington.
5. Unless amended or renewed pursuant to RCW 36.70.795 and RCW 36.70A.390, this moratorium shall sunset in six months.
6. Should any portion hereof be found unlawful, unconstitutional or in any way nullified or overturned, the remainder hereof shall remain in full force and effect.

DATED this 22nd day of August, 2016.

BOARD OF COUNTY COMMISSIONERS
ADAMS COUNTY, WASHINGTON
s/John N. Marshall, Chairman
s/Jeffrey W. Stevens, Vice Chairman
s/Roger L. Hartwig, Commissioner

ATTEST:
s/Patricia J. Phillips
Clerk of the Board

RESOLUTION NO. R-026-2016

**ORDER OF BOARD OF COUNTY COMMISSIONERS
ADAMS COUNTY, WASHINGTON**

**IN THE MATTER OF APPOINTMENT OF AN ACTING ADAMS COUNTY CLERK AND
SETTING SALARY FOR SAME**

WHEREAS, the Adams County Board of Commissioners received notification of resignation, dated June 20, 2016, of the Adams County Clerk effective September 1, 2016; and

WHEREAS, the office of Adams County Clerk shall become vacant as of 12:00 a.m. on September 1, 2016; and,

WHEREAS, RCW 36.16.115 authorizes a Board of County Commissioners to appoint an acting official to serve in the case of a vacancy in an elective county office for a period of up to sixty (60) days pending a full appointment pursuant to RCW 36.16.110 and applicable provisions of the Washington Constitution; and,

WHEREAS, appointment of an acting Adams County Clerk pursuant to RCW 36.16.115 will ensure continuity and continuation of court operations for the citizenry of Adams County; and,

THEREFORE BE IT RESOLVED that Paulette J. Teske, currently serving as Deputy Adams County Clerk, is hereby appointed Acting Clerk of Adams County, effective 12:01 a.m., September 1, 2016, for a period not to exceed sixty (60) days pending the filling of the vacant office pursuant to RCW 36.16.110; and,

BE IT FURTHER RESOLVED, that the salary of Paulette J. Teske as the Acting Clerk of Adams County is hereby set equal to the Superior Court Clerk's salary as determined by the Adams County Citizens Commission on Salaries for Elected Officials.

DATED this 22nd day of August, 2016.

BOARD OF COUNTY COMMISSIONERS
ADAMS COUNTY, WASHINGTON
s/John N. Marshall, Chairman
s/Jeffrey W. Stevens, Vice-Chairman
s/Roger L. Hartwig, Commissioner

ATTEST:
s/Patricia J. Phillips
Clerk of the Board