

## COMMISSIONERS' PROCEEDINGS

### Adams County Courthouse Ritzville, Washington Regular Meeting

**May 26, 2020**

(Tuesday due to Memorial Day on Monday)

**Call to Order @ 8:30 a.m.**

**Present:**

Chairman Roger L. Hartwig  
Vice-Chairman Terrance J. Thompson  
Commissioner John N. Marshall

[9:00:13 AM](#)

**Adams County District Court Position No. 2**

Judge Benzel, along with Court Administrator Jessica Melo, reviewed a need for courtroom security. The county has discussed with the City of Othello a proposal for an officer to provide security as part of the district court services contract. Judge Benzel will prepare an accounting of pre-COVID-19 court hours in an attempt to evaluate needs moving forward for comprehensive courtroom security.

Additionally, Judge Benzel noted that courts, by law, need to be accessible to the public. Should in person attendance not be available, viewing through a form of video to provide a means for public attendance at court hearings is necessary. Central Services Director Boness was present and will move forward with the technology necessary for all Adams County courts.

[9:36:56 AM](#)

[9:42:42 AM](#)

**Jail Update**

Due to the COVID-19 pandemic, the Board did not conduct an on-site jail inspection. Jail Administrator Nick Williams, along with Sheriff Wagner, reported on jail operations as well as procedures in place relating to COVID-19.

[9:57:08 AM](#)

[10:00:16 AM](#)

### **Public Works**

Public Works Director O'Brien provided an update on a road widener machine he has been demonstrating from a company in Oregon.

Additionally, O'Brien reported on road maintenance; operations and maintenance; and, the progress of the sheriff's impound yard project in Othello.

### **County Wide Crushing Project**

Commissioner Marshall moved, Thompson seconded, to *approve Pay Estimate #4, and final, in the amount of \$32,909.89 to Western Construction of Lewiston, Inc., Lewiston, Idaho, for retainage on the 2019 County Wide Crushing Project.* **Motion carried.**

### **City of Othello Franchise Agreement**

Engineer Yaeger reported the City of Othello has submitted a utility franchise application for the purpose of constructing, operating, and maintaining a potable water system upon, under, across, and along the rights-of-way of portions of Bench Road; Cemetery Road; Cunningham Road; and, Lee Road. A date for a public hearing on the matter will be set at a later date.

[10:54:15 AM](#)

**Recess @ 12:00**

**Reconvene @ 1:00 p.m.**

[2:00:04 PM](#)

### **Human Resources**

Human Resources Manager Perez reviewed the recent fraudulent unemployment claims received by the county from Washington State Employment Security Department with Perez reviewing the process the county follows once an unemployment claim is received.

Additionally, Perez noted no additional applications have been received for the GIS position; and, the permit technician position in the Building and Planning Department is currently being re-advertised.

Perez suggested the development of a policy which will provide a comprehensive guideline for reopening of county facilities.

Non-union salary comparables were discussed. Perez noted work on the project is progressing as time allows.

[2:42:43 PM](#)

[3:00:04 PM](#)

### **Affordable and Supportive Housing**

Commissioner Marshall moved, Thompson seconded, to *approve Ordinance No. O-02-2020; In the Matter of Adopting Legislation to Authorize a Sales and Use Tax for Affordable and Supportive Housing in Accordance with Substitute House Bill 1406 (Chapter 338, Laws of 2019), and Other matters Related Thereto.* Motion carried.

### **Standards of Conduct Policy**

Commissioner Thompson moved, Marshall seconded, to *approve Resolution No. R-030-2020 In the Matter of Adopting Adams County Standards of Conduct Policy.* Motion carried.

### **Resolution No. R-031-2020**

Commissioner Marshall moved, Thompson seconded, to *approve Resolution No. R-031-2020 In the Matter of Extending the Closing of County Facilities for All Non-Emergent Business and Visits, Directing that County Department Heads Under the Administration of the Board of County Commissioners Reduce Staff to Essential Operating Positions and Consider Options Such as Telecommuting and Working from Home so as to Limit Individual Exposure and Making Similar Recommendations to the Elected Officials of Adams County and to the Courts of Adams County.* Motion Carried. This closure shall remain in effect through the close of business on June 15, 2020, or until further order of the Board.

### **Consent Agenda**

Commissioner Thompson moved, Marshall seconded, to *approve the Consent Agenda.* Motion carried.

Preliminary minutes of May 11 and 13, 2020

Preliminary minutes of May 18 and 20, 2020

May 1 – 15, 2020, Payroll in the amount of \$431,037.70; and, Benefits in the amount of \$91,258.15 (Warrant # Series 532075-532090; Direct Deposit # Series 63069-63242; Benefit/Deduction # Series 1152094-1152102

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	1492 – 1520 (-1511)	\$ 10,021.14
001	Hand Pays	\$ 240.00
103	1521 – 1525	\$ 2,610.51
103A	1526	\$ 2,408.40
106	1527 – 1530	\$ 6,977.94
131	1531	\$ 3,207.42
502	1532 – 1534	\$ 348.09
108	660 – 662	\$ 2,773.52
115	663 – 665	\$291,894.02
321	666	\$ 129.82
401	667 – 675	\$ 24,279.23
501	676 – 681	\$ 4,036.14
590	682 – 700	\$ 78,564.13
	TOTAL	\$427,490.36

[3:06:00 PM](#)

**Correspondence Received**

John Wiesman, DrPH, MPH, Secretary of Health, State of Washington Department of Health re: approval of Adams County’s Phase II variance application

**Adjournment @ 3:20 p.m.**

Submitted:  
s/Patricia J. Phillips, CMC  
Clerk of the Board

Edited and Approved:

BOARD OF COUNTY COMMISSIONERS  
ADAMS COUNTY, WASHINGTON  
s/Roger L. Hartwig, Chairman  
s/Terrance J. Thompson, Vice-Chairman  
s/John N. Marshall, Commissioner

**RESOLUTION NO. R-030-2020**

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

**IN THE MATTER OF ADOPTING ADAMS COUNTY STANDARDS OF CONDUCT  
POLICY**

**WHEREAS**, Adams County has performed a review of existing policies; and

**WHEREAS**, the Board is desirous of establishing ethical standards of conduct for all Adams County employees; and,

**THEREFORE BE IT HEREBY RESOLVED** the attached Standards of Conduct policy is hereby adopted.

**DATED** this 26<sup>th</sup> day of May, 2020.

BOARD OF COUNTY COMMISSIONERS  
ADAMS COUNTY, WASHINGTON  
s/Roger L. Hartwig, Chairman  
s/Terrance J. Thompson, Vice Chairman  
s/John N. Marshall, Commissioner

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

**RESOLUTION NO. R-031-2020**

**IN THE MATTER OF EXTENDING THE CLOSING OF COUNTY FACILITIES FOR  
ALL NON-EMERGENT BUSINESS AND VISITS, DIRECTING THAT COUNTY  
DEPARTMENT HEADS UNDER THE ADMINISTRATION OF THE BOARD OF  
COUNTY COMMISSIONERS REDUCE STAFF TO ESSENTIAL OPERATING  
POSITIONS AND CONSIDER OPTIONS SUCH AS TELECOMMUTING AND  
WORKING FROM HOME SO AS TO LIMIT INDIVIDUAL EXPOSURE AND MAKING  
SIMILAR RECOMMENDATIONS TO THE ELECTED OFFICIALS OF ADAMS  
COUNTY AND TO THE COURTS OF ADAMS COUNTY**

**WHEREAS**, the Adams County Board of Commissioners have adopted a resolution declaring an emergency for the COVID-19 pandemic response; and

**WHEREAS**, Resolution No. R-019-2020 was adopted March 16, 2020 ordering the closure of county facilities, for a minimum of fourteen (14) days, for all non-emergent business and visits, directing the county department heads under the Administration of the Board of County Commissioners reduce staff to essential operating positions and consider options such as telecommuting and working from home so as to limit individual exposure and making similar

recommendations to the elected officials of Adams County and to the Courts of Adams County;  
and

**WHEREAS**, Resolution No. R-020-2020 was adopted March 30, 2020 extending the closing of county facilities; Resolution No. R-027-2020 was adopted April 27, 2020 further extending the closing of county facilities; and, Resolution No. R-029-2020 was adopted May 15, 2020 further extending the closing of county facilities; and

**WHEREAS**, to protect the health and safety of the public and reduce the possible exposure to COVID-19 it is necessary to extend the closure through the close of business on June 15, 2020.

**THEREFORE, BE IT HEREBY RESOLVED** by the Adams County Board of Commissioners:

1. All department heads under the administration of the Board of County Commissioners are directed to have all non-essential employees to remain at home, or perform work from home, and to operate on reduced hours.
2. Recommends that all Adams County elected officials employ measures similar to those directed of department heads.
3. Further recommends that the District and Superior Courts operating within Adams County continue with enactments of emergency measures as set forth in Washington State Supreme Court Order 25700-B-602, and subsequent orders of such Court.
4. This order shall be deemed effective May 26, 2020, and shall remain in effect through June 15, 2020, or until further order of the BOCC.
5. All employees affected by this emergency resolution will continue to be paid in accordance with their existing salary classifications.

**DATED** this 26th day of May, 2020.

BOARD OF COUNTY COMMISSIONERS  
ADAMS COUNTY, WASHINGTON  
s/Roger L. Hartwig, Chairman  
s/Terrance J. Thompson, Vice-Chairman  
s/John N. Marshall, Commissioner

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

Approved as to form:  
s/Randy J. Flyckt, Prosecutor  
WSBA #29302

**ORDINANCE NO. O-02-2020**

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

**IN THE MATTER OF ADOPTING LEGISLATION TO AUTHORIZE A SALES AND USE TAX FOR AFFORDABLE AND SUPPORTIVE HOUSING IN ACCORDANCE WITH SUSTITUTE HOUSE BILL 1406 (CHAPTER 338, LAWS OF 2019), AND OTHER MATTERS RELATED THERETO**

**WHEREAS**, in the 2019 Regular Session, the Washington State Legislature approved, and the Governor signed, Substitute House Bill 1406 (Chapter 338, Laws of 2019) (“SHB 1406”); and

**WHEREAS**, SHB 1406 authorizes the governing body of a city/town or county to impose a local sales and use tax for the acquisition, construction or rehabilitation of affordable housing or facilities providing supportive housing, and for the operations and maintenance costs of affordable or supportive housing, and, if eligible, for providing rental assistance to tenants; and

**WHEREAS**, this is not a new tax, rather the tax will be credited against state sales taxes collected within Adams County, and, therefore, will not result in higher sales and use taxes within the County and will represent an additional source of funding to address housing needs in Adams County; and,

**WHEREAS**, the tax must be used to assist persons whose income is at or below sixty percent of the County’s median income; and,

**WHEREAS**, Adams County has higher than state average rates of poverty and unemployment coupled with an increasing demand for affordable housing. The demand for housing is increasing both as our resident population grows and wage/income disparity fails to keep up with housing costs. Workforce housing is an increasing concern for area businesses, as are housing and services needs for our aging population and those with special needs or family situational issues; and,

**WHEREAS**, the County has determined that imposing the sales and use tax to address this need will benefit its citizens; and,

**WHEREAS**, in order for the County to impose the tax, the County first adopted Resolution No. R-048-2019 declaring the County’s intent to levy a portion of the State’s sales tax within six (6) months of the effective date of SHB 1406; and,

**WHEREAS**, within twelve (12) months of the effective date of SHB 1406, the governing body must adopt legislation authorizing the maximum capacity of the tax; and,

**WHEREAS**, the County has invited comment from all officials from the cities/towns within Adams County to determine their intent to levy the tax prior to determining the percentage of tax the County would levy; and, has received comment from Othello, Ritzville and Lind; and,

**WHEREAS**, the Board conducted a public hearing on May 18, 2020 to receive public comment or concern; and,

**WHEREAS**, Adams County currently levies a “qualifying local tax”, and;

**WHEREAS**, the Adams County Board of Commissioners now desires to adopt legislation imposing a local sales and use tax as authorized by SHB 1406 as set forth herein.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ADAMS COUNTY, AS FOLLOWS:**

**Section 1. Tax Imposed**

There is hereby imposed by this ordinance the maximum levy of the sales and use tax (.0146 percent) authorized by SHB 1406 occurring within the unincorporated area of Adams County and within the limits of any non-participating city/town that is located within the County. The rate of the tax hereby imposed shall be the maximum levy of .0146 percent.

**Section 2. Applicability of Tax**

The tax shall be imposed upon and collected from those persons from whom the state sales or use tax is collected pursuant to Chapters 82.08 and 82.12 RCW. The rate of tax imposed by this ordinance shall be applied to the selling price in the case of a sales tax or the value of the article used in the case of a use tax.

**Section 3. Administration and Collection**

The tax imposed by this ordinance shall be administered and collected in accordance with Chapter 82.14.050 RCW. The Chairman of the Board of Adams County Commissioners is hereby authorized to and directed to execute and sign contracts with the Washington State Department of Revenue that may be necessary to provide for the administration or collection of the tax.

**Section 4. Use of Funds**

Monies collected shall be used for allowable expenditures authorized by 82.14 RCW as amended by Substitute House Bill 1406.

**Section 5. Administration of Fund**

The funds shall be collected in County Special Revenue Fund #123, Affordable Housing Sales Tax Credit, and shall be administered by the Board of County Commissioners.

**Section 6 Effective Date**

This ordinance shall take effect immediately upon adoption.

**Section 7 Expiration**

The tax imposed by this ordinance expires twenty (20) years after the date on which the tax is first imposed, unless altered by future legislative action.

**Section 8. Severability**

If any section, subsection, sentence, clause, phrase or other portion of this ordinance or its application to any person is, for any reason, declared invalid, illegal or unconstitutional in whole or in part by any court or agency of competent jurisdiction, said decision shall not affect the validity of the remaining portions hereof.

**ADOPTED** this 26<sup>th</sup> day of May, 2020.

BOARD OF COUNTY COMMISSIONERS  
ADAMS COUNTY, WASHINGTON  
s/Roger L. Hartwig, Chairman  
s/Terrance J. Thompson, Vice-Chairman  
s/John N. Marshall, Commissioner

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

APPROVED AS TO FORM:  
s/Randy J. Flyckt  
Adams County Prosecuting Attorney  
WSBA #29302