Commissioner Gardner called the regular meeting to order at 9:00 a.m. Commissioner Mortensen was present and Commissioner Weber was absent-excused.

Pledge of Allegiance – Led by Commissioner Gardner.

Agenda items #1 and #2 are pulled.

Approval of Minutes of January 22-23, 2019 and Consent Agenda of January 29, 2019 – Commissioner Mortensen moved to approve the Minutes of January 22-23, 2019. The motion carried with all voting in favor. Commissioner Mortensen moved to approve the Consent Agenda of January 29, 2019. The motion carried with all voting in favor.

Citizen Comments – Rick Von Rock, Kelso; remarked on the terrible event last week. Believes in justice, believes the State is wrong in eliminating the death penalty. Encouraged the County to send a letter to the Governor to do more on this; reinstating the death penalty when heinous crimes are committed.

Commissioner Mortensen agreed with the statement. Want to make distinction between obvious situations. We are responsible. Can’t hide behind the laws.

Second man agreed with the previous statements.

Bill Josh, Longview; agreed with the statement; but not just guns; knives and other tools. It’s a human problem.

Brian Davis, Kalama; stated if we didn’t have excessive plea bargaining and lenient judicial system the killer from the incident last week would have been behind bars for his prior crimes.

Resolution No. 19-007 - Amending Chapter 1.24, of County Code to address policy making discretion of currently elected Board. Chief of Staff explained the document. The code amendment is very short; citing the rules of practice. Would like to adopt the Rules of Practice every year. This addresses policy making discretion of currently elected Board. Sets out what the Board does and when they meet. Commissioner Mortensen moved to approve. The motion carried with all voting in favor.

Board of Cowlitz County Commissioners Rules of Practice – Commissioner Mortensen moved to approve. The motion carried with all voting in favor.

Resolution No. 19-008 opposing implementation of Washington State Initiative I-1639 which restricts individual rights as protected by the Second Amendment of the US Constitution. Commissioner Mortensen stated the Board will meet with the Sheriff and
Prosecuting Attorney to see if something else can be done that has more teeth than the resolution. Commissioner Mortensen read the proposed resolution opposing Initiative I-1639.

Mike Vess, Kalama; spoke in support of the resolution. Wants the opportunity to live free and our rights protected.

Clark County resident stated people all over the state are excited to see this. It’s the first in the State of Washington. Many people are feeling hopeless. You are saying you are going to respect the constitution. This is the first step.

Wally Wentz thanked the Board for proposing the resolution. What is the next step? Asked if there is any other mechanism to view what is going on?

Commissioner Gardner stated they are planning to meet with the Sheriff and Prosecuting Attorney tomorrow at 9:30 a.m.
Commissioner Mortensen stated tomorrow’s work session is open to the public. Social media is often used including Facebook and Northwest Digital News. Everything is posted on the County Commissioners’ web page and disseminated to the news media. Need an educated public.

Bill Josh, Longview; stated I-1639 was heavily opposed in Cowlitz County. Too many rights have been taken away. Should abide by the constitution. Need to continue working to protect our rights.

Commissioner Mortensen stated we cherry pick the constitution. We have allowed the federal government to create laws to the contrary.

Scott Cooper, Castle Rock; talked about the background check process coming in July. Local law enforcement will only be able to complete background checks which will go upwards of approximately 4,300 background checks a year. This will take more deputies off the road. Currently dealers are able to do background checks. Putting on the back of the Sheriff’s Office is not good.

Man from Kalama; stated the government will be accountable for continually monitoring people who buy firearms. Questioned where all the money will come from to continually monitor if a person is mentally stable.

Chris Leper, Castle Rock; talked about medical rights. The Initiatives leaves the government vulnerable to law suits.

Judy Growler spoke in support of I-1639. Stated there are laws she does not agree with. Do we pick and choose which law we want to change and which we are going to follow? We are a republic.

Commissioner Mortensen stated we have to live by the rules. We are responsible for our decisions. Don’t think we should abdicate any responsibility to a legislature to decide what is law.

Russell Schultz addressed the failures of I-1639 already seen. This initiative hurts the law abiding citizens and does not deter the criminals.

Another man noted the problem with I-1639. It is against the constitution of the United States and the State of Washington. Any law against the constitution is not a law.

Neil Crawford, Kelso; thanked the Board. Hopes to see the resolution adopted. Hopes to see the rest of Elected Officials in the State step up and hear the message. Need to stop passing legislation against the constitution.
Sarah East spoke in support of I-1639. Important to do thorough background checks. Mentally ill should not have firearms for the protection of themselves and others. Respecting the law is following the law.

Commissioner Mortensen stated passing a law does not stop a problem. If that was the case we wouldn’t have any problems. Have to figure out how to discourage things.

Danielle Downer, Clark County; spoke in support of the resolution. Instilling hope if you can stand up and say enough is enough. Believes in the constitution. Need to move forward.

Commissioner Mortensen moved to approve the resolution. The motion carried with all voting in favor.

The Board recessed for 5 minutes. At 10:05 a.m. the Board convened with Commissioner Gardner and Commissioner Mortensen present.

Recognition of Wellness Champions of 2018. The Healthy Workforce Committee requested nominations for co-workers who exemplify many health lifestyle habits, provide positive examples of how they have raised the well-being bar higher than most and have benefitted both personally and professionally from these efforts. Commissioner Gardner read quotes on the four winners. Commissioners Gardner and Commissioner Mortensen congratulated and awarded the 4 Wellness Champions – Amy Wade, Prosecutor’s Office; Brandi Kuljis, Auditor’s Office; Marie Dang, Human Services; and Ursula Jorgensen, Juvenile Probation; with baskets filled with miscellaneous gifts and a personalized letter from the Washington Counties Insurance Fund.

Consent Agenda

Call for Hearings
Resolution No. 19-009 - Call for Public Hearing - Proposed surplus of vehicles and equipment for disposal; Hearing to be held February 12, 2019 at 9:30 a.m.

Agreements / Contracts / Bid Awards
Letter of Understanding with Emergency Services Association regarding the 911 employees’ transfer of leave balances signed by Chairman Gardner January 9, 2019.

Memorandum of Understanding with Emergency Services Association regarding the Washington Paid Family and Medical Leave law signed by Chairman Gardner on January 9, 2019.

Memorandum of Understanding with Teamsters Local 223 Correction Sergeants regarding the Washington Paid Family and Medical Leave law signed by Chairman Gardner on January 16, 2019.

Board Correspondence
Letter to Finance Director authorizing full delegation of authority as Chief of Staff, when Chief of Staff is absent signed by Chairman Gardner January 9, 2019.

Vouchers
The following vouchers/warrants are approved for payment

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The Cowlitz County Board of Commissioners adjourned at 10:15 a.m. to meet again Tuesday, February 5, 2019 at 9:00 a.m.

Tiffany Ostrein, Clerk of the Board

Joe Gardner, Chairman
Minutes
Open Public Meetings for the week of January 29-30, 2019

Tuesday 8:45 Commissioners Pre Public Meeting Conference –
Commissioner’s Office, 207 4th Avenue, North, Kelso, 3rd Floor
Present: Joe Gardner, Arne Mortensen, Axel Swanson, and Tiffany Ostreim
Two citizens
Quorum established.

Tuesday 9:00 a.m. Regular Public Meeting – separate minutes.

Wednesday 7:00 a.m. Elected Officials Meeting (Quarterly - 5th Wednesday)
General Meeting Room, 207 4th Avenue North, Kelso, 3rd Floor
Present: Joe Gardner, Arne Mortensen, Ryan Jurvakainen, Brad Thurman, Gary Bashor, Staci Myklebust, Emily Wilcox, Carolyn Fundingsland, Debra Gardner and Tiffany Ostreim

Agenda Items/Topics:

Information Technology
Concerns were relayed from the Auditor, Clerk, Assessor, Treasurer and Superior Court. Concerns with direction of the county. Specific issues cited included:

- Delayed responses to work orders.
- Number of outstanding work orders.
- Lack of confidence in leadership of IT.
- Feeling there is risk of losing all records from the 70’s forward because of the server.
- Lack of communication.
  - Inconsistent direction on purchasing products and inability to connect these to the network.
  - Recent push by IT to shut down old system before Assessor and Treasurer are ready, but the reasoning made no sense.
  - Talked to in technical language.
  - Mixed message of who pays for what –
- Lack of customer service.

Outsource items was mentioned by an elected. Sees need for each department to have IT person.
Commissioner Mortensen said:
We have a structure that does not work. Believes we can split things up by functionality, common infrastructure and applications, and specific applications. IT doesn’t have good resources; Departments need application engineers. May need to go outside to get things done. What we have been doing is not working, so need to make changes, and it will be expensive.
There is an expectation for service should listen to the users. For some staffing, maybe should look at other options such as using LCC for help in rolling out computers.

Roundtable Discussion
Time of meetings – 7 am start time for the elected meetings is not favored, but will stay the same for now.
Longevity Committee – working on options. Want to bring back the extra effort of using in house staff to, say do the cooking, etc. That would reclaim the personal touch of the annual event. This point has been made by many employees.

Hall of Justice grounds – work crew has cleaned up outside the front of the building area. Would like to see something done with the old fountain.

Contract with ABM Janitorial Services – the cost effectiveness of outsourcing janitorial services was questioned. The service is not up to par. Contract is $177,000/year.

Columbia Wellness new facility – 14th Avenue, corner of Tennant Way. Optimistic it will help with mental health issues population. 12 bed facility. Has outpatient and inpatient services. Alternative to bringing into the emergency room.

Elevator in the Administration Building will be down February 19 – April 22.

Ballot Boxes – placement of ballot boxes was discussed.

Wednesday 9:30 a.m. Work Session
General Meeting Room, 207 4th Avenue North, Kelso, 3rd Floor
Present: Joe Gardner, Arne Mortensen, Tiffany Ostreim, Axel Swanson, Prosecuting Attorney Ryan Jurvakainen, Sheriff Brad Thurman, Kurt Williams, Traci Jackson
Well attended by citizens

Agenda Items/Topics:

I-1639 Enforcement Workshop
Yesterday Resolution No. 19-008 was adopted opposing I-1639. This is the second resolution the Board has adopted opposing I-1639. Resolution No. 18-099 dated October 30, 2018 was adopted at the request of the Deputies Guild opposing I-1639.

Background - Board requested PA draft the resolution. Procedurally a resolution is a proclamation of the Board. It doesn’t bind law enforcement in how they carry out their duties. It doesn’t tell other Elected Officials what or how to do their job. The statement does not have authority over the Sheriff or another Elected Official. It is not a law.

I-1639 failed in Cowlitz County but had enough support in other counties to pass. A portion of the initiative does not take effect until July 1. Several law suits are pending. Until that time the Sheriff will take a wait and see attitude. Hopefully by July 1 will have a clear direction.

Commissioner Mortensen inquired about further work potentially yielding an ordinance to address the issue. PA - The RCW points out the Board has police powers to enact ordinances for public welfare. Can’t do contrary to state law.

Sheriff – Rely more on constitutional law than state law. I-1639 has been challenged in the courts. A lot of discussion of what is in I-1639 including 10 day mandatory wait, background checks, places too much burden on local law enforcement. No trust the state is prepared to handle. The initiative is very broad and has many unknowns. I-1639 is an example of someone writing without knowing the subject.

Commissioner Mortensen asked both the PA and Sheriff if they would enforce a law they personally felt is unconstitutional. Both said they would not enforce such a law.
Citizen Comments –
Speech on the history and the Declaration of Rights. All political power is in the people. Governments are established to protect and maintain individual rights. Constitution is supreme law. Court cases have been settled in history. Laws that are countered to the constitution are not law. Administrative codes do not override the constitution. It is correct to resist an unlawful arrest. Asking for government to follow the constitution.
Request for communication between counties who opposed I-1639 to unite.
Nothing formal has been done through the Washington Association of Counties. Informal conversations with Wahkiakum, Pacific, Clark and Skamania Counties.
This is the first step in giving people hope that their rights continue to exist.

911 Center Progress Report
Interlocal Agreement for transfer and administration of county enhanced 911 excise taxes will be on the February 5 agenda. By law the taxes are the counties and DOR has to remit back to the county. PA office worked on with 911 authority. Treasurer and Auditor have reviewed. The 911 board is subject to State Auditor review. This is moving forward on taxes collected. Held funds to pay for current bills. After April there will be no hold back of funds. 911 agreed they are responsible for 911 if an unknown comes up. They have own insurance and attorney. Recommended to go the Public Authority route which could stand a legal challenge. Public Authority was modeled after Kitsap County.

Woodland Chamber Meeting – Commissioner Mortensen - a lot of conversation about carbon initiative was presented by the PUD commissioner. There are four bills in some form or another in the legislature on carbon.

Woodland Urban Growth Area - Commissioner Mortensen - will be talking to Woodland people about the issues involved in a currently active Urban Area request. Issues include lack of traffic infrastructure.

Wednesday 1:30 p.m. Commissioner Conference
Commissioners Office, 207 4th Avenue North, Kelso, 3rd Floor
Present: Joe Gardner, Arne Mortensen, Axel Swanson, and Tiffany Ostreim
Jim Zdilar, Sabrina Fraidenburg, Carole Harrison, Ron Melin, Katrina Harris, Kurt Williams, Savannah Clement, Mike Moss, Shawn Roewe, Ron Williams, Brad Thurman, Traci Jackson, Mike Wilson, Andrea Yoho

Agenda Items/Topics:

Human Resources requests as needed.
Summer Help – first year $13.50 and 2nd year $15.00 - Approved.

2 Juvenile Detention Officer openings Position 311 and Position 601 – currently filling those 2 positions.

Probation Officer position 293 being posted because this person was promoted to position 489 Court Services Manager hired at Step 4 (which is 5%)

Clerk’s Office position 42 Deputy Clerk I open – posting

Reclassification for Health Department – Position 500 Senior Office Assistant – reclassify to Cashier position - Approved.
HR advertising for HR Administrative Coordinator new position working on insurance and benefits Position 130 – Approved.

Position 134 Community Services Director position – 25% split between Health Dept, Human Services, Building and Planning, and Community Long Range Planning.

Take Position 423 Health & Human Service Director Out of Budget – Approved

Position 129 Finance Manager – split 70% general 20% IT and 10% Risk - Approved.

Update on Facility Manager – savings for the county between Community Service Director, Finance Director, eliminating Health & Human Services Director, creating a Facility Manager position

New Deputy PA split – need to work on cost allocation. This will be brought back later, because they will look at cost of three attorney’s and decide how to split their time.

Katrina left.

Nuisance Abatement – Problem in South Kelso. Problem on Niemi Road. Staff is responding. Have contacted complainants. Need to look at Abatement or Code Enforcement Officer – maybe 2 – 1 related to land uses and 1 related to Sheriff’s uses.

South Kelso - mix of private property rights and public right of way – not a public roadway so Sheriff cannot tag. Vehicles are blocking public access. Public has legal right to run through.

Need clear roles. Need clear ordinances. More work needs to be done.

Ron, Andrea, Carole, Mike, Brad left.

PW and Landfill update – Update on Cell 7 and 8 (map saved in Laserfiche – link on the Commissioners web page).

Change Order for Cell 8 – Agenda of February 5.

Update on 2018 and 2017 total tons (handout saved in Laserfiche – link on the Commissioners web page).

Sabrina, Jim, Traci and Marin left.

Executive Session per RCW 42.30.110(1)(D & G) To review negotiations on the performance of a publicly bid contract and evaluate the qualifications of an applicant for public employment. Joe Gardner, Arne Mortensen, Tiffany Ostreim, Axel Swanson, Mike Moss, Shawn Roewe, Ron Williams, Kurt Williams and Savannah Clement attended executive session for a period of 15 minutes starting at 2:45 pm. At 3 pm the Executive Session was continued for 5 minutes. At 3:05 pm the Executive Session was continued for 5 minutes. At 3:10 the Executive Session was continued for 3 minutes. At 3:13 pm all parties came out of Executive Session. No decisions were made.

Open Session – Present: Joe Gardner, Arne Mortensen and Tiffany Ostreim

Advisory Board and Committee Interviews:
3:00 Heather Schoonover - Silver Lake Watershed Advisory Committee – Interview conducted

Executive Session per RCW 42.30.110(1)(g) to evaluate the qualifications of an applicant for public employment or to review the performance of a public employee. Joe Gardner, Arne Mortensen, Axel Swanson, Sabrina Fraidenburg, Kurt Williams, Mike Moss and Tiffany Ostreim attended at 3:35 for a period of 5 minutes. At 3:40 pm all parties came out of Executive Session. No decisions were made.

Open Session
Present: Joe Gardner, Arne Mortensen, Axel Swanson, Sabrina Fraidenburg, Kurt Williams, Mike Moss and Tiffany Ostreim
Reclassify County Engineer Position 900 (no longer dual role with Director).
County engineer position 900 - Class 1030 - Approved.
Appoint Susan Eugenis as County Engineer effective February 1. Put appointment letter on Consent Agenda.
Sabrina and Mike left.

Doug Jensen, Elaine Placido, Greta Holmstrom, Ron Melin arrived.

Discussion on surface mines. Option to take existing code and add interim regulations. Take to Planning Commission as interim regulations. Long discussion on objectives, SEPA, regulations, code, hearing examiner. If we do nothing project will continue with forest conversion and open property for development of a surface mine under old regulations and any SEPA would be on old regulations. It's only a process. Would still be under state noise regulations. Board's decision if they want to impose new regulations now. If we don't do emergency interim controls it will still have to go back to Planning Commission and would be a rush to vest. At one point the county wanted to regulate surfacing mining. Now question on timing. Need expectation to mitigate any potential issues. Doing emergency temporary isn't stopping, just looking at the process. Helps make good neighbors. PA will proceed on interim regulations.

Elaine left at 3:55 pm. Doug, Greta and Ron left at 4:30 pm.

Executive Session per RCW 42.30.110(1)(g) To evaluate the qualifications of an applicant for public employment or to review the performance of a public employee. Joe Gardner, Arne Mortensen, Tiffany Ostreim, Axel Swanson, Kurt Williams attended at 4:30 pm for a period of 15 minutes. At 4:45 pm Executive Session was continued for 15 minutes. At 5:00 pm all parties came out of Executive Session. No decisions were made.

The Board of Commissioners may add and take action on other items not listed on this Agenda.
Please note that all meetings are subject to cancellation or rescheduling and that special meetings may be scheduled after appropriate notice. Agendas for regularly scheduled Commissioner meetings are available at: http://www.co.cowlitz.wa.us/index.aspx?NID=535
Americans with Disabilities Act (ADA) accommodations provided upon request. Contact Human Resources. Director Jim Zdiller. Phone: 360-577-3065

Tiffany Ostreim, Clerk of the Board
Joe Gardner, Chairman