



BOARD OF YAKIMA COUNTY COMMISSIONERS

Regular Meeting

Work Session

Friday, October 7, 2022, at 9:00 am

BOCC Conference Room, Room 232, 128 N 2nd Street, Yakima, WA 98901 or Zoom

10/7/2022 - Minutes

1. CALL TO ORDER

Meeting Called to Order at 9:00 a.m.

PRESENT: Chair Amanda McKinney, Commissioner LaDon Linde, Commissioner Ron Anderson, Legal Counsel Don Anderson, Clerk of the Board Julie Lawrence, Deputy Clerk of the Board Erin Franklin, Joe Poire (Petrichor), Kara Riebold (Petrichor), Human Resources Director Jacqui Lindsay, Yakima County Prosecuting Attorney Joe Brusic, Department of Assigned Counsel Director Paul Kelley, Financial Services Director Craig Warner, Public Services Director Lisa Freund, Environmental Services Director David Haws, Water Resources Manager Joel Freudenthal, Water Resources Manager Troy Havens, and guests.

2. PUBLIC COMMENT

No public comment.

3. BROADBAND FUNDING (30 Minutes)

Joe Poire of Petrichor announced that Kara Riebold would take the lead on the broadband project after his retirement in a few months' time. He went on to recap the project thus far, noting that state government has yet to send out an official notice of financial offer so that public entities can apply for broadband grant funding; this was supposed to occur in June, and is now expected sometime over the next three weeks. If the process is the same as the first round of funding, applications will only need a 10% match in funds. There will be a \$25 million application limit, so a \$2.5 million match would be required. Unfortunately, the match could go as high as 25% in later rounds of funding. Washington State could also receive up to \$400 million in funding through the Jobs Act; the match for that could also be up to 25%. In the second or third quarter of 2023, the private sector will also be able to apply for funding. Public entities are being encouraged to partner with the private sector to further benefit their communities.

Joe noted that Spokane County has signed ILA's with 5 of its unserved cities; the County has agreed to provide the match funds (using ARPA funding) in an effort to secure broadband grant funding. Kara added that in order to qualify for the first round of funding, applicants needed a committed internet service provider. Spokane County entered into a non-binding agreement to that end. In response to Commissioner Anderson's question, Joe shared that Spokane County Commissioner Kuney is heading up the project and could provide further detail.

Commissioner McKinney asked if it would also be beneficial to partner with Kittitas County, since they, too, have been utilizing Petrichor's services. Joe responded that Petrichor could try to aggregate conversations between counties and broadband providers in order to save money, but overall, the providers still view these counties as a single market. Both Joe and Kara encouraged the counties to apply separately for funding so that they can each request the \$25 million limit.

Joe confirmed that Petrichor's initial estimate of \$104 million to cover all of Yakima County (except for the Yakama Reservation, which has its own grant funding available) may have already increased with inflation. However, Petrichor's assessment will break this estimate down into smaller-sectioned projects over a number of years. Julie Lawrence was directed to work with Joe and Kara to schedule another work session for further discussion as soon as the notice of financial offer is received.

4. HUMAN RESOURCES UPDATE (30 Minutes)

Jacqui Lindsay stated that she had no action memos to present to the Board at today's meeting. She then proceeded to explain that Joe Brusica and Paul Kelley were requesting that the new attorney pay plan be implemented as of November 2022, as opposed to January, when all the other new pay plans would begin. This would mean that the attorneys would be given an exception to the current reclassification freeze before union negotiations have been completed.

Paul Kelley shared his concerns that increased staff shortages could occur if the County does not take additional steps to attract and retain employees immediately. In response to Commissioners Linde and Anderson's questions, he observed that while staffing has varied over the years, it has never been as concerning as it is currently. He noted that Yakima County's caseloads did not drop as drastically as other counties' during the pandemic.

In response to Commissioner McKinney's question, Jacqui detailed the current pay plan compared to the new pay plan. She suggested that HR could use the new attorney pay plan for job advertising without implementing it any earlier, because any new hires wouldn't start until January anyway. She opined that current staff can be retained with the knowledge that the new pay plan will take effect in just a few months. In response to Commissioner Linde's question, she informed the Board that the County would be able to see the union's proposed pay plan sometime next week. Commissioner Linde also asked when new attorneys would be graduating from law school; however, Commissioner McKinney noted that Human Resources Senior Manager Judy Kendall had said previously that other entities are also trying to attract recent graduates, as there is currently a statewide attorney shortage. The new pay plan would at least make Yakima County competitive with King County.

Joe Brusica thanked Jacqui and Human Resources for all their hard work in this matter, citing his great respect both for her and her department. He detailed the County's great need to replenish attorney staff, echoing Paul Kelley's statements about remaining busy throughout the pandemic. He noted the amount and complexity of crimes being committed, and the length of time since the attorneys last received a pay raise. He also shared his concerns that law schools are discouraging their students from becoming prosecutors by essentially vilifying the position.

Commissioner McKinney concurred, noting that decriminalization of particular behaviors has not actually led to a decrease in crime. In response to Commissioner Anderson's question, Joe stated that he did not know of any upcoming legislation that would help with funding for the Prosecutor's Office or the Department of Assigned Counsel.

Commissioner McKinney MOTION: To Approve the Request for Early Implementation of the New Attorney Pay Plan

Commissioner Linde SECOND

Approved Unanimously To Approve the Request for Early Implementation of the New Attorney Pay Plan.

Jacqui confirmed that she would prepare a resolution for this item for final approval at an upcoming agenda meeting. She also noted that, pending final approval, this would mean the current signing bonus for new attorneys would be rescinded.

5. STATUS OF CONTRACT WITH YVCOG FOR CRIME LAB (15 Minutes)

Craig Warner briefly summarized the contracting process with Yakima Valley Conference of Governments (YVCOG) thus far. Joe Brusica informed the Board that he had hoped to have a contract finalized in time for Tuesday's agenda, but after encountering some delays, his goal is now to have it prepared in time for the following Tuesday. He noted that he did send a copy of the proposed bylaws, and confirmed that he would send agenda notes and minutes from yesterday's meeting. Joe stated that he and Don Anderson are unsure as to whether the Open Public Meeting Act (OPMA) regulations apply to this type of meeting, but that they would hold an additional meeting if necessary.

6. PUBLIC SERVICES (60 Minutes)

David Haws provided a short recap of the events leading up to the public hearing that took place on Tuesday, October 4, 2022, at the Board's Regular Agenda Meeting. He noted that the original intent of reexamining the utilities code as it relates to YCWRS was to make the regulations less onerous and more common sense. Two of his greatest takeaways from the public hearing on Tuesday were to "slow the roll" and seek greater input from stakeholders and the broader community. He asked the Board's direction for how to proceed.

Commissioner McKinney voiced her concern that additional changes were proposed that had not been requested by the public or the Board (e.g. "to align more with other laws"). She suggested that Public Services focus only on the smaller changes that were suggested by the public, including those regarding accessory dwelling units.

Commissioner Linde restated his desire to examine David Taylor's documents. He suggested finding a professional to determine the validity of his points – preferably a third party with no vested interest in either side. Commissioner McKinney and Commissioner Anderson concurred. Don Anderson stated that it's important to note that Brian Taylor's comments were made with regard to State water code, whereas the County is approaching the proposed changes to the utility code in terms of the Growth Management Act. Thus, we aren't quite comparing like for like.

Commissioner McKinney suggested reaching out to Paul Jewell for his expertise, as he organized the water training for commissioners as part of WSAC and also served as a commissioner in Kittitas County. Don suggested Tom MacDonald for his unique perspective, having worked both for the State and in the private sector. Joel Freudenthal mentioned that he has had conversations with him in the past. He noted that the Farm Bureau had stated their intent to reach out to attorneys to support their position, but failed to do so. There are many water attorneys and land use attorneys, but it would be beneficial if the County could find someone with crossover experience. Joel opined that the GMA will be much more critical in this case. Commissioners McKinney and Linde concurred that they would like to make sure they hear alternate points of view, and questioned what might be done if, ultimately, there is simply conflicting legislation.

Commissioner McKinney summarized that, in the end, she is only in favor of making easy changes to the ordinance that are universally agreeable to everyone involved. Don reaffirmed the need to focus on water storage as a solution. Commissioner Anderson noted that losing Wymer as an option set the process back, but that the County would look at trying to utilize a greater number of smaller options in the future.

7. AGENDA ITEM REVIEW (15 Minutes)

Julie Lawrence reviewed for the Board all Agenda items submitted for Tuesday's Regular Agenda Meeting, and also gave a preview of the following week's Agenda items.

The commissioners had no changes for the October 11, 2022, Agenda. In response to Commissioner Linde's question about Agreement 296-2022, Don Anderson confirmed that he would work with Jase Testerman to ensure that there is ample time for bids to go out and a new contract to be signed. Craig Warner suggested reaching out to the City of Union Gap to present on Agreement 298-2022 at Regular Agenda.

Regarding the October 18, 2022, Agenda, Commissioner Anderson requested that Resolution 255-2022 be moved to Regular Agenda, suggesting that County Engineer Matt Pietrusiewicz could come explain the right-of-way acquisition process to the public.

8. CLOSED SESSION

The Board met in closed session at 11:07 a.m. for a step 3 grievance meeting as allowed by RCW 42.30.140(4) (a). Commissioner McKinney returned at 11:30 a.m. to state that the other party had technical difficulties, and that the Board would return at 11:50 a.m. She returned at 11:49 a.m. to state that the Board would remain in closed session for an additional 20 minutes. The Board returned at 12:09 a.m., and no further action was taken.

9. COMMISSIONER UPDATES/ GENERAL DISCUSSION

Commissioner Anderson reported that a record-breaking 249,000 people attended the Central Washington State Fair, and that this year's fair revenue has also broken all records.

10. NEW BUSINESS

The commissioners had no new business to discuss.

11. ADJOURN

Commissioner Anderson MOTION: To Adjourn

Commissioner Linde SECOND

Motion Passes to Adjourn. Meeting Adjourned at 12:10 a.m.

All work sessions are recorded and will be available to view on the BOCC website at <https://www.yakimacounty.us/AgendaCenter/Board-of-Commissioners-2>

APPROVED DATE

DATE/Minutes

OCT 18 2022

BOARD OF YAKIMA COUNTY COMMISSIONERS

Amanda McKinney, Chair

LaDon Linde, Commissioner

Ron Anderson, Commissioner

*Constituting the Board of County Commissioners
for Yakima County, Washington*