



**BOARD OF YAKIMA COUNTY COMMISSIONERS**

Regular Meeting

Work Session

Monday, July 24, 2023, at 9:00 am

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

7/24/2023 - Minutes

1. CALL TO ORDER

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

PRESENT: Chair LaDon Linde, Commissioner Amanda McKinney, Commissioner Kyle Curtis, Legal Counsel Don Anderson, Clerk of the Board Julie Lawrence, Deputy Clerk of the Board Erin Franklin, County Prosecutor Joe Brusic, Department of Assigned Counsel Director Paul Kelley, Water Resources Strategic Manager Joel Freudenthal, Human Services Director Esther Magasis, Financial Services Director Craig Warner, and guests.

2. PUBLIC COMMENT

No Public Comment Received.

3. PROSECUTOR UPDATE (20 Minutes)

Joe Brusic explained the toll the attorney shortage has continued to take on the Department of Assigned Counsel, to the point that court cases are experiencing scheduling delays that affect "speedy trial" requirements. He noted that he has met with Superior Court Judge Bartheld and Superior Court Administrator Jessica Humphreys regarding this issue, and as the County Prosecutor, he wanted to ensure the BOCC was also aware of the situation so that solutions could be discussed. He also acknowledged that this is a much more widespread issue than just Yakima County: Benton-Franklin County and others have been undergoing the same struggles.

Commissioner Linde detailed some of the action steps the Board has already taken in an attempt to mitigate the attorney shortage in both the DAC and the Prosecutor's Office, including moving up the start date of the pay reclassification for attorneys, offering signing and retention bonuses, and supporting DAC Director Paul Kelley's efforts to secure contract attorneys and law school interns. He added that he is also interested in approaching the State Legislature about this issue, and exploring ways to assist attorneys with student loan forgiveness as another incentive. Joe acknowledged that his office has benefitted from these efforts and has been able to address their own staff shortages as a result. He noted that the additional recruitment money is scheduled to end in December, and suggested the Board could revisit that topic and discuss loan forgiveness toward the end of the year.

Commissioner McKinney stated that she thought Legal Counsel had already been asked to research whether loan forgiveness would be considered a gifting of public funds; Joe confirmed that his team could look into this.

Commissioner Linde noted that in some school districts, teachers receive loan forgiveness incentives in relation the number of years they commit to working in that district, so gifting of public funds shouldn't be an issue depending on how the program is organized.

Paul Kelley clarified that he had previously informed the Board of the potential scenarios that could result from the attorney shortage back in August 2022. He observed that the issue is so widespread, and there are so many levels of government all competing for an insufficient number of attorneys, that it can't simply be fixed with higher salaries or benefits. This would not be sustainable financially, and might not even bring in quality employees. He stated that he has been taking a long-term approach, working with State legislators on a bill regarding something akin to loan forgiveness; he also noted the deeper need to attract people back into the profession in the first place, particularly providing legal services to those who need it most. Commissioner McKinney concurred, noting

verbiage from King County's Office of Public Defense that advocates "dismantling" the legal system because of its flaws, thereby unfortunately discouraging prospective attorneys from the profession. She contended that while the legal system isn't perfect, it's the best there is, and its important to ensure that victims are able to get justice. She thanked Paul for his proactive, thoughtful, measured approach throughout this statewide and nationwide attorney shortage. Commissioner Curtis also voiced his support for the long-term approach, and asked if there are any ways the Board could offer their support in the short-term; Paul replied that any short-term solutions come at a price, and ultimately, the human resources just aren't there.

The Board agreed to hold course, continue to utilize the current recruitment methods, and explore the additional incentives that were discussed. Craig Warner also noted that the Board (and thus Yakima County) has already joined with the Washington State Association of Counties (WSAC) in suing the State for failing to provide adequate funding for indigent defense, despite implementing stricter caseload standards. Commissioner McKinney added that the suit was unanimously agreed upon by all 39 counties. Paul observed that this further validates why his work with local legislators to try to secure adequate funding is a worthwhile endeavor.

((EXECUTIVE SESSION))

Commissioner Linde called for an executive session. The Board met in executive session for 27 minutes at 9:43 a.m. for a discussion with legal counsel about current litigation as allowed by RCW 42.30.110(1)(i). The Board returned at 10:10 a.m., and no further action was taken.

#### 4. SIED BOARD OPEN POSITIONS AND RECOMMENDATIONS ON APPOINTMENT (15 Min) - Commissioner Curtis

Commissioner Curtis explained that the SIED Board had conducted interviews and made recommendations for new appointments to its three open positions: "Large Business" (50+ employees), "Small Town" (Pop. < 5,000), and "At-Large Representative". It was also clarified that the "Large Business" position was vacant, not the "Small Business" position as was previously thought. He asked if the BOCC would like to conduct its own round of interviews, or simply move forward with its own recommendations/appointments. He expressed his desire to move the process along before the SIED Board's next meeting in August.

Commissioner Linde asked if the Board should readvertise for the "Large Business" position, since there was only one applicant who fit the criteria, and to ensure that there wasn't any confusion that dissuaded others from applying. Commissioners Curtis and McKinney concurred, with Commissioner McKinney suggesting that the SIED Board could potentially call a special meeting a week after advertisement to discuss any updates to their recommendation. Commissioners Curtis and Linde agreed, and Commissioner Curtis confirmed that he would work with Julie Lawrence on publishing the advertisement.

For the other two positions, Commissioner McKinney expressed her desire to see a female representative appointed, and voiced her support for the lone female applicant. Commissioner Linde noted that the applicants recommended by the SIED Board for the other two positions are both doing great work in their current roles in the community. Commissioner Curtis suggested that any of the applicants not appointed to the SIED Board would also be an excellent candidate for the YCDA Board. With the other Commissioners' support, he confirmed that he would reach out to YCDA to inquire about any openings before returning to the topic of whom to appoint.

#### 5. PUBLIC SERVICES (20 Minutes)

Joel Freudenthal explained that Forterra had requested the BOCC send a letter of support to the Washington State Recreation and Conservation Office (RCO) regarding their purchase and sale agreement for a particular piece of property. The RCO manuals state that in order to make such a purchase, the interested party must consult with the local government at least 30 days prior and provide a description of the project plan for the land, not just maps and a legal description of the property itself. It should also be clear which of the three RCO grant funding areas will be applied for – farmland preservation, habitat, or recreation – and any governmental partners involved. The application the County received does not include any such project/program details. Joel is waiting to hear back from the RCO for clarification on this incomplete application, but asked the Commissioners if they would like him to reach out to Forterra in the meantime, or have them come before the Board at a Work Session.

The Board directed Joel to start by calling Forterra, after which the Board can decide if a follow-up meeting is necessary. Joel confirmed that he would await the RCO's response first, and then reach out to Forterra.

#### 6. HUMAN SERVICES (30 Minutes)

Esther Magasis provided the Board with updated Mental Health Sales Tax internal project budget numbers. She noted updates to two previously-approved requests. The first was that District Court had been awarded a grant

they had applied for which thus reduces their request for DUI court by over half. District Court Administrator believes this grant will be ongoing, but if not, this request would likely be eligible for sustaining MHST funds in the future. The second update was to the County's Clerk request, adjusting for a budget misunderstanding. One new position (with the requisite supplies) will be covered by MHST. The existing position and requisite supplies are already covered by the Clerk's budget.

Esther added that she is currently working with Craig Warner and Legal Counsel Dan Clark to prepare MOU's for the internal projects, some of which will start January 2024, and some of which will start sooner. Craig confirmed that the Board could make budget amendments to allow for the projects needing to start prior to the end of the year. Some of these projects will require external partners, who will be selected through separate, specific, truncated RFP's – not the main RFP for external projects. Both types of RFP's should be ready to go out by the beginning of August.

Commissioner Curtis MOTION: To Approve the Modified Budget for the MHST Internal Projects

Commissioner McKinney SECOND

Motion Passes Unanimously.

## 7. COMMISSIONER UPDATES/ GENERAL DISCUSSION

Criminal Justice Treatment Account (CJTA) Funding: Commissioner Linde explained that this is funding that comes from the State and has been managed by Greater Columbia Behavioral Health over the last few years. Yakima County receives approximately \$445,000 annually in CJTA funds (\$37,000 monthly). The County now has the right of first refusal – the Board can continue to have GCBH manage these funds, or opt to manage them internally. Commissioner Linde reached out to GCBH and found out that they don't take out any money for administrative costs – they pass the full amount on to MERIT Resource Services in Yakima County. He shared a chart from GCBH detailing the amount and types of services received by MERIT clientele. The Board agreed to continue allowing GCBH to manage the CJTA funds, noting that they could always revisit this decision in future years. Commissioner Linde confirmed that WA State Health Care Authority does not need a formal resolution from the Board – a simple confirmation email is sufficient.

The Commissioners gave updates on individual committee/board assignments for the week of July 17, 2023-July 21, 2023.

## 8. NEW BUSINESS

Julie Lawrence explained that Commissioners Linde and Curtis will both be out of office on Friday, July 28th, and the only item on the agenda for Friday's Work Session is Agenda Review, which could be moved to the beginning of Monday's Work Session instead. The Board agreed to cancel Friday's Work Session due to lack of quorum.

## 9. ADJOURN

Commissioner Curtis MOTION: To Adjourn

Commissioner McKinney SECOND

Motion Passes to Adjourn. Meeting Adjourned at 11:04 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

AUG 0 1 2023



BOARD OF YAKIMA COUNTY COMMISSIONERS

---

LaDon Linde, Chair

---

Amanda McKinney, Commissioner

---

Kyle Curtis, Commissioner

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