



## BOARD OF YAKIMA COUNTY COMMISSIONERS

Regular Meeting

Work Session

Friday, July 14, 2023, at 9:00 am

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

7/14/2023 - 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, Human Resources Senior Manager Judy Kendall, Emergency Services Director Tony Miller, Environmental Services Director David Haws, Water Resources Strategic Manager Joel Freudenthal, Financial Services Director Craig Warner, and guests.

### 2. PUBLIC COMMENT

No Public Comment Received.

### 3. HUMAN RESOURCES UPDATE (15 Minutes)

Judy Kendall presented a series of action memos to the Board. The first was from Emergency Medical Services, requesting a pay exception for a Program Analyst 2 candidate they would like to hire at a Step 8. The fiscal impact would be absorbed by the department's budget. This candidate is a long-time extra help employee who is willing to leave his current position as Deputy Fire Chief to come fill this role. Tony Miller stated that this candidate has been around Emergency Services as an instructor since the 1990's, has a passion for teaching and training, has a good background for working with emergencies and disasters, and would pretty much walk in "turn-key" for this job. He could also help cover for Tony during wildfire season (May – September/October), and could be paid out of the Office of Emergency Management budget any time he assists with Emergency Management duties. The Commissioners concurred that this candidate would be an excellent asset to Yakima County and approved this request.

The second request was from the Prosecutor's Office regarding an Attorney 2 recently hired from Grays Harbor County. He has already received the first half of his hiring incentive, but is requesting an advance on the second half, as he has struggled to find housing in the area, is reluctant to sign a long-term rental agreement in the meantime, and has not been able to sell his previous home. Judy noted that the attorneys do have a contractual agreement to remain employed by Yakima County for a certain period of time in order to receive their hiring incentives – otherwise, they must be repaid. The Commissioners were hesitant to approve this request without more information, and asked that someone from the Prosecutor's Office be present at Monday's Work Session to provide additional detail.

The third request was from the Sheriff's Office, to continue out-of-class pay for a law enforcement dispatcher taking on additional duties in the absence of the regular supervisor. Human Resources Senior Manager Mayling Chin had previously updated the Board that this situation should be resolved by July 31, 2023; however, the absent supervisor is now set to return on July 19th, and will require additional time to be retrained on both dispatch duties and supervisor duties due to the many changes during her absence over the last few years. Thus, the Sheriff's Office is requesting out-of-class pay for the other employee through the end of September. Judy

explained that the wrong extension date was given the first time around. The Commissioners approved this request.

#### 4. PUBLIC SERVICES (60 Minutes)

Stewardship Plan MOU: Joel Freudenthal began by providing context on how the Greenway Association first came to be. An RCW was passed to create the Yakima River Conservation Area from Selah Gap to Union Gap in an effort to protect the river from continued pollution. This RCW granted the BOCC certain powers (acquisition, development, and operation) related to the conservation area. It also stated that the Washington State Parks and Recreation Commission is required to consult with the BOCC for this purpose, as is the Recreation and Conservation Office. However, Joel noted that the Greenway Association, which manages the area, is a private entity and thus is not eligible for funding from the RCO, so the County utilizes other funding sources instead.

As the Greenway Association has been updating its master plan, it has been suggested that the conservation area be expanded to include other related locations along the river. Joel asked for the Board's opinion before proceeding, as this would require an amendment to the existing RCW. Commissioner McKinney noted that this would afford more opportunities to utilize RCO funding for projects. Joel added that as Yakima County has acquired more of this land over the years, staff has ensured that everything has conservation easements for recreation, flood mitigation, and habitat enhancement. The Commissioners stated that they are in favor of seeking this amendment, and Joel confirmed that he would continue to work with the Greenway Association toward this end so that language can be drafted for a future legislative session.

Wapato Dam & Proposed Forterra Purpose: Sharing a map onscreen, Joel explained that the Wapato Dam has a tremendous effect on sediment transfer on a section of river over mile and a half long. He indicated a location where the water table and floodplain have been rising and expanding over the years. He indicated another section of Bureau of Reclamation land that used to be farmland but is now impossible to farm. The rising water table is also causing problems for sewer systems in Union Gap, although conversely, the dam does also serve to make the surrounding land more productive. The Bureau of Indian Affairs (BIA) and the Yakama Nation are entering into the design process to try to rework the dam. As modifying the Wapato Dam is a main recommendation for flood management, Joel and the Yakima Countywide Flood Control Zone District have been involved in providing feedback on design objectives and alternatives. Joel and Commissioner McKinney briefly discussed the positive collaborative efforts and opportunities on this project.

Joel went on to explain that the potential Forterra purchase is also affected by this groundwater rise, as the land in question isn't very farmable; it's currently being used as a horse ranch. He explained that any letter from the County would list both concerns and opportunities, and should recognize that this property falls within the Yakima River State Conservation Area. Forterra have acquired land in the past and then transferred it to government or private buyers for nature conservancy. They are applying for an RCO Waiver of Retroactivity, which means that they will make the purchase without a grant currently in effect, hoping to be able to apply that purchase as a match to a future RCO grant (either for recreation or habitat protection). The land could be in limbo for up to two cycles of two years. In the meantime, they will not be able to develop the land or change the land use, and the County has the authority to cooperatively plan with them because of the conservation area. Joel explained that the Gap to Gap project will set the levees back in this area, so while it might flood more frequently, the flooding will likely be less severe, providing real potential for habitat enhancement.

While the Board expressed interest in recreational and habitat protection uses, they also shared concerns about taxes and water rights. Commissioner Linde pointed out that there is already a great deal of land in the County that isn't private, which is hard on the tax base. Commissioner McKinney asked Joel to look into whether the non-transferrable junior water rights for this property have already been relinquished. This could come into play if this land becomes farmable again 40-50 years in the future due to decrease in flood severity. Commissioner Curtis also shared concerns about operational management issues such as noxious weed, fire, etc. during the four years in limbo. The Commissioners asked Joel to do some additional research on these questions and begin drafting a letter of support from the Board (in order to meet the early August deadline), to be discussed at a future Work Session.

Draft Letter to Selah-Moxee Board of Directors: The Board approved this draft letter and directed Joel to get it sent so that work can begin on the purchase and sale agreement.

Water Transfer Working Group Meeting: David Haws suggested Joel update the Board on Monday's meeting. One topic of conversation was a mitigation project up in the Ahtanum to get water rights in that area, which caused Joel to think about the possibilities for more collaboration directly between the BOCC and the Yakama Nation instead of only working through the Department of Ecology. Commissioner McKinney elaborated that they are working on setting up a meeting between herself, Joel, David, Danielle (Yakama Nation), and someone from the Tribal Counsel to discuss this project proposal further. She added that Ecology will still have to approve Joel's

proposal to open up the closed area in the Ahtanum. Commissioners Curtis and Linde voiced their support for continuing to pursue and build this partnership. Joel added that there is also a new FEMA mapping process occurring in the Lower Valley that's connected with the Tribe. For the first time, the Yakama Nation will have jurisdictional/regulatory floodplains on the reservation, and the County can offer its years of data and experience as a resource to them.

5. AGENDA ITEM REVIEW (10 Minutes)

Julie Lawrence reviewed for the Board all Agenda items submitted for Tuesday's Regular Agenda Meeting. The Commissioners had no changes for the July 18, 2023, Agenda.

6. COMMISSIONER UPDATES/ GENERAL DISCUSSION

Discussion on Opening up Content for Bi-Monthly Newsletter to All Electeds and Departments: Commissioner Curtis asked if the Board had already done this, or if Public Services is the only department involved.

Commissioners Linde and McKinney confirmed that the Board has already done this, but could provide a reminder or make it an expectation that department heads and elected officials have a point person in communication with the Commissioners' Office. Julie Lawrence was directed to forward the reminder email to these point-persons so that they can submit content for the newsletter. The Commissioners each expressed their appreciation for all of Julie's hard work.

7. NEW BUSINESS

No New Business.

8. ADJOURN

Commissioner Curtis MOTION: To Adjourn

Commissioner McKinney SECOND

Motion Passes to Adjourn. Meeting Adjourned at 10:28 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 15 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*

