



BOARD OF YAKIMA COUNTY COMMISSIONERS

Regular Meeting

Work Session

Monday, August 7, 2023, at 9:00 am

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

8/7/2023-- 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, Environmental Services Director David Haws, Joe Sambataro (Forterra), Dan Grausz (Forterra), Noah Oliver (Yakama Nation), Shawn Magee (Yakima Health District), Department of Corrections Director Jeremy Welch, Human Services Director Esther Magasis, Financial Services Director Craig Warner, and guests.

2. PUBLIC COMMENT

No Public Comment Received.

3. PUBLIC SERVICES (45 Minutes)

Discussion with Forterra Regarding Notice of Property Acquisition: Joe Sambataro stated that the Yakama Nation Tribal Council had brought this property to Forterra's attention over a year ago. Forterra is a regional land trust that has been operating for 30 years, and they have been working on a conservation solution that would meet everyone's goals for the property. They will be applying for the Washington Wildlife Recreation Program's Riparian Habitat Protection category, and since they're applying before the funding cycle, they'll also be applying for a Waiver of Retroactivity. They're hoping to get some feedback from the Board now to utilize when they eventually apply for the grant.

In response to Commissioner Curtis' question about a timeline, Joe explained that Forterra's contingency period will end on August 10th, after which they have 30 days to close. However, they have secured a short extension. As for funding, there are two cycles of 2 years each. Forterra is also seeking financing that would be good for up to 3 years, and thus hope to transfer the property to the Yakama Nation for long-term stewardship by about 2 ½ years.

In response to Commissioner Linde's question about public access and the designed or planned use of the land, Noah Oliver stated that there will be some level of controlled public access, but they will need to figure out how to regulate for liabilities. Joe added that some of these grants actually require public access, and noted that they will need to find a balance between the various uses of public access, conservation, and cultural resources.

In response to David Haws' question about the comprehensive habitat conservation plan required for this grant, Joe explained that Forterra itself requires either a regional or broader conservation plan. The broader plan currently exists, but Forterra will work with the Yakama Nation and the County to develop a more specific plan in the year to come. Noah noted that the property in question has held cattle for some time, and in the initial years, they will need to figure out an alternate way to mitigate noxious weeds if the cattle are removed. This will be one of their largest expenses, and they're working on lining up some grant funding to cover this, or they could opt to remove the cattle in phases if needed. The Nation is also looking into fish and other habitat restoration, and have been meeting with hydrogeologists, fisheries professionals, and wildlife professionals to further explore those

uses. Overall, their primary purpose is to rehabilitate the ecology of that area. David acknowledged that the County is also concerned about noxious weeds, and would be interested in conferring and offering help.

Commissioner Curtis also asked about the plan for the existing home on the property. Noah stated that he believes the plan is to demolish it, but they could use the building footprint for a language and cultural center, depending on grant funding. As for Commissioner Linde's question about vegetation, Noah added that they would look at adding more trees and native plants, but acknowledged that there's a lot of saturated soil and varied terrain to consider. The Commissioners confirmed that they would be moving forward with their letter of support, the draft of which David is finalizing.

Discussion Regarding Mabton Water Issues: Shawn Magee explained that recently at Mabton City Council meetings, there have been complaints about odors coming from the municipal water system, including one report of symptoms of rash and vomiting. The Health District has since been in contact with the State Department of Health, and Valley Water Systems (the water system's management agency). They've started making site visits and evaluation the treatment of that system. There are a series of aerators that are supposed to aerate certain chemicals out of the water and thus alleviate the odor, but for some reason, the odor has come back. They also turned on the third well that is normally utilized in drier seasons, and that appeared to be the source of the odor. However, there are no signs of contamination, no breach of cross-connections in the city itself, and thus no imminent public health threat. However, going forward, two additional wells will be drilled to the next aquifer down, and the aerators will be refurbished. Different treatment methods will also be explored, such as UV filtration, which will help remove some of the gasses and provide another level of protection against contaminants. There have been no additional reports of illness, so opening up the third well and moving that water around has helped address the odors in question.

Commissioner Linde stated that he has spoken with the mayor of Mabton and the Health District about this issue, and is thankful that everyone was able to work together so quickly toward a solution. In response to Commissioner Curtis' question, Shawn noted that Outlook has had a similar issue in the past, and it's possible that the Mabton solutions will also help there.

4. DEPARTMENT OF CORRECTIONS (30 Minutes)

DOC Budget and the Option of Pursuing Contracts with Outside Cities or Counties: Jeremy Welch explained that other cities and counties Yakima County has contracted with in the past have expressed interest in contracting once again in 2024, even on a more limited basis. Some of these contracts ceased for 2023 as Yakima County implemented additional limitations, such as requiring the other entity to maintain liability for the inmates being housed, or not accepting any special housing inmates. Jeremy is working on some softer language for the new contracts that will still give Yakima County flexibility for refusal, or to send inmates back if issues arise. With the Board's approval, Jeremy can begin negotiating these contracts as soon as some litigation is concluded. He would also like to ensure that DOC's mental health services won't decline in any way due to housing additional inmates. He anticipates capacity for an additional 50-100 beds pretty comfortably if they are mostly low-liability inmates.

Jeremy is also working with Craig Warner on DOC's budget, and even with ARPA funding set aside, they aren't sure if there will be enough areas to make cuts in order to balance the budget, so resuming contracts with other entities may be necessary in order to offset the shortfall. Craig added that every 30 beds or so will bring in about \$1 million in revenue, so 100 beds would go a long way to help the situation. Offsetting costs in 2024 could help the ARPA funding last into 2025. Jeremy noted that the housing rate for 2024 hasn't yet been determined. In response to Commissioner Linde's question about readjusting local contract rates, Jeremy stated that they usually send out notices out in October to local entities to advise them of the upcoming year's rates. There will be an increase of around 19%, but he needs to have further discussions with Craig before finalizing anything. The Commissioners agreed that they are comfortable with Jeremy moving forward with the contracts for housing and drafting the appropriate verbiage.

Increase to Comprehensive Healthcare Contract and Use of 1/10th Mental Health Sales Tax Money to Cover Increases: Jeremy updated the Board that Comprehensive Healthcare will be raising their contract rate as expected; however, the increase was higher than expected: around 50%. He and Craig explained that this is due to both salary increases (they have been struggling to maintain staff at previous levels of pay post-COVID) and lowered funding from the State. They've made both increases and reductions to contract rates over the years since the County initially contracted with them in 2007, and while Jeremy has asked if the new increase has any room for negotiation, he was told that the only way that would be possible is by reducing provider hours, which he doesn't believe is viable for the level of need at DOC. However, if their population drops, Comprehensive may drop their rates slightly, and if DOC can avoid housing a surplus of high-need inmates, that can help offset costs.

Commissioner Curtis suggested that the County explore using national providers in the future, as Comprehensive is the only local provider that offers this level of services. Jeremy stated that this would be possible via an RFP process next year, but noted that this year is probably too late. Craig added that this situation is important to the Mental Health Sales Tax discussion, because the Board didn't anticipate this cost; he suggested that the Commissioners refrain from allocating all of the funding right away, because it may be needed for DOC. Esther Magasis added that this does appear to be an allowable cost for MHST. In response to her question about procurement, Craig stated that a resolution will probably be necessary to document that the Board would like to commit a particular amount of funding. Jeremy confirmed that he would draft a resolution, and Esther offered to send him a draft template from a recent MOU with the courts that might help. The Commissioners agreed that they would like to explore other funding options in the future, such as the extra housing contracts, but agreed that MHST funding is necessary to cover the shortfall in the meantime.

5. EXECUTIVE SESSION (15 Minutes)

(As of 10:02 a.m., the Commissioners were still waiting on Don Anderson and Commissioner McKinney to conclude a separate meeting. They agreed to begin Commissioner Updates until the two of them could join the Work Session.)

The Board met in executive session for 15 minutes at 10:30 a.m. to discuss potential litigation allowed by RCW 42.30.110(1)(i). The Board returned at 10:45 a.m., as agreed upon, and no further action was taken.

6. COMMISSIONER UPDATES/ GENERAL DISCUSSION

(The Board began Commissioner Updates at 10:02 a.m. before the executive session while waiting on Don Anderson and Commissioner McKinney to conclude a separate meeting. After joining the Work Session a few minutes later, Commissioner McKinney also shared her updates.)

The Commissioners gave updates on individual committee/board assignments for the week of July 31, 2023 – August 4, 2023.

7. NEW BUSINESS

Commissioner Curtis asked about having the County's lobbyists, Josh Weiss and Annika Vaughn, set up a 2-hour meeting with the County's other elected officials sometime in the fall to help develop a collective legislative priority list. Commissioners Linde and McKinney agreed, noting that this has been done in the past.

Commissioner Curtis also mentioned the two interviews that were held for the "lived experience" position on the Yakima County Homeless Coalition Executive Committee, noting that both were excellent candidates, and suggesting that both be appointed to the committee, with one designated as an "alternate". This way, they could both provide input, but the number of votes would remain unchanged. Commissioners Linde and McKinney agreed.

Don Anderson updated the Board that the public hospital district in the Lower Valley did not receive enough total votes cast in order to make it on the ballot, although the issue may come back around in the future. He noted that the timing was difficult, as it is always more challenging to get an adequate voter turnout when it isn't a big election year.

8. ADJOURN

Commissioner Curtis MOTION: To Adjourn

Commissioner McKinney SECOND

Motion Passes to Adjourn. Meeting Adjourned at 10:50 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 22 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*