

# BOARD OF YAKIMA COUNTY COMMISSIONERS

## Weekly Agenda Meeting

Tuesday March 12, 2019 at 10:00 AM

City Council Chambers, 129 North 2<sup>nd</sup> Street, Yakima, Washington

- **PRESENT:** Norm Childress, Ron Anderson, Legal Counsel, Don Anderson, Interim Clerk Linda Kay O'Hara  
Chairman, Michael D. Leita was excused.
- **PUBLIC COMMENT:**  
**Steve Edwards:** Good morning. My name is Steve Edwards from Moxee, Washington. First of all, a very brief history lesson. All of us need from time to time. Back in the 1740's, 1750's during the French-Indian wars, we must remember the Colonies were a thin strip along the Atlantic seaboard. Most of the rest of the west up the Missouri River was Province of Quebec. We had a little something called the French Indian wars. During that time settlers were being harassed by the Indians and the French. And, the Governors of the various Colonies suggested to King George that to be more subservient colonists it might be wise to disarm the public and have the British armies take care of these skirmishes. They advised them not to do it wholesale but do it piecemeal so as not to raise suspicions and this led to limitations on the import of gun powder and lead for ammunition and replacement iron parts for rifles. The point is, that the framers of the Constitution have all been here before. They knew what an oppressive government presence could do to trade, to labor, to agriculture and to commerce in general. They agreed that the individual rights to life, liberty and property were paramount to the survival of the Colonies. And, when defense of these rights came into question, they strengthened their positions after writing the Constitution by adding the Bill of Rights. They wanted to ensure that individual rights would never be subservient to the laws of man. Individual rights preceded governments, they precede legislatures, they preceded laws, rules, regulations and were never considered to be inferior to any legislative acts meant to diminish them. And, that leads us to the resolution that I presented to you today.

**Norm Childress:** Thank you.

**Peter Dell:** I'm Peter Dell. I'm a Yakima County resident, where I've been for the last 50 years or so to do that. Thanks for hearing us this morning, I appreciate that. I will read the initiative (see attached).

**Ron Anderson:** Thank you.

**Norm Childress:** Thank you Mr. Dell.

**Sandy Belzer:** Sandy Belzer from Yakima. I don't know how well versed you are in those two sections of each Constitution. The biggest difference is the United States Constitution says shall not infringe. However, the Washington State Constitution states shall not impair. And, we have people who are feeling the squeeze of impairment just in thinking about it, let alone having it act out. Especially, the 18 to 20-year olds who can't even buy a 22 Ruger. They can't even do that and that is really a shame. Especially, considering those people are of legal age to be in the military, so that's a sad thing indeed. The other impairments are, I think one of the biggest ones for the people I've talked to and I've talked many is by the time we open the safe, get the gun and put the magazine in we're dead. That is a big deal. I personally, that wasn't one of the ones that bothered me so much until I heard other people say it and I thought it should bother everyone. Every gun owner that has it to protect themselves in their homes should be bothered by that greatly. So, given and I know Mr. Childress you weren't part of this at the time, but given the decision that was made about growing marijuana on unincorporated Yakima County land, which has been based on and repeated, it was because of the 60 percent vote against it in Yakima County. We've got that percentage again. People opposed this initiative so I'm hoping that given that you will base your decision to sign this resolution for the same reason. Sixty percent of the people in Yakima County opposed it. Thank you.

**Norm Childress:** Thank you.

**James Litson:** Good morning Commissioners. I'm James Litson, I'm a resident of District 1 in Yakima County. Last November when I-1639 passed I was then the local representative for the National Rifle Association Institute for Legislative Action. At that time, I publicly commented, and it was taken national, the comment that I made. This injustice must not stand. The passage of I-1639 must be seen as the tipping point for the citizens of all Eastern

Washington counties to come together to enthusiastically support and create the formation of a new state in defense of constitutional liberties. It must be understood by all that these two issues, the attack on constitutional liberties and the need for the formation of a new state are inseparable. Washington State politics is underrepresented as are the residents of all the counties of Eastern Washington. I respectfully submit to you that you as the duly elected Commissioners of Yakima County must realize and accept these realities and commit to standing with the people by who you were elected. Further, it must be understood that any future election of County Commissioners or reelection of any existing Commissioner, that any candidate's acceptance to fill the position may be considered qualified that individual's public commitment to the resolution just introduced, that person's commitment to the formation of the new state in defense of liberty. Respectfully, James Liddickson, Selah, Washington.

**Ron Anderson:** Thank you.

**Norm Childress:** Thank you.

Hello, I'm Dana Johnson, Yakima County resident. Our fundamental right to keep and bear arms is under attack like never before. This is the time for boldness. As our representatives in this County, we need you to stand strong for us. I urge you to support this resolution. Thank you.

**Ron Anderson:** Thank you.

**Norm Childress:** Thank you.

**Bryan Brubaker:** Good morning. Thank you for hearing us. My name is Bryan Brubaker. My wife and I own Brubaker Arms Manufacturing. Our tagline is building an American Tradition. We provide the largest array of custom gunwork in all of Washington State. We have been operating in Yakima County since 2013 and are actively expanding our facility. We're investing our money in Yakima. We have a substantial local clientele base. We have a statewide and regional presence. People drive from Seattle, from Spokane, Walla Walla, Oregon, even Idaho to bring their firearms for me to work on. People ship their firearms from Colorado, Massachusetts, Texas, Florida, to name just a few states for me to work on. Sixteen thirty-nine robs me of my hard-earned livelihood. We built this clientele base operating largely on the premise of that tagline building an American tradition because legacy is important. I talk with my father and my wife often about legacy and leaving a proper legacy and how to do that. The founders of the republic left a legacy of liberty. The founders of our state valued a legacy of liberty so much they named the state after the general who brought liberty to the Country. Sheriff Udell is leaving a legacy of liberty be defending this state and national constitutions. Esteemed Commissioners, I ask you, what kind of legacy will you leave? Will it be a legacy of liberty as our founders? Or, will it be a legacy of tyranny that victimizes the people of Yakima County. I urge you to sign the resolution. Thank you, gentlemen.

**Ron Anderson:** Thank you.

**Norm Childress:** Thank you.

**Lita Brubaker:** Hi Commissioners, I'm Lita Brubaker, Brian's wife. I'm the person who is bringing you the numbers, the statistics. In 2017, in December on the 26<sup>th</sup> I had created a page that was the local law enforcement because they're doing such great things for the community. That happened in December 2017, and since then we have gathered a hundred likes on our page, which is pretty much an average number. On 18<sup>th</sup> February this year, after I-1639 passed and Sheriff Udell took a stand, we have changed the title of the page from supporters of law enforcement to supporters of Sheriff Udell and law enforcement. The number of likes were 703 extra on top of the hundred we already had. The post reach, which is basically how much people are seeing an advertisement that we put on Facebook, which is not a paid service for the Sheriff's stand against I1639, we have reached within three days 46,422 people. And, out of those 46,422 people, we had 11,553 people who had engaged in the post. Which means they had started taking action, they have not only seen what we are seeing there, they are taking action and taking a stand. They have shared the post forward and are gathering in numbers. The same thing is happening on the page that we have created to support Police Chief Lauren Cobb, who is obviously from Republic, but people in Yakima, we have already 15238 people who are supporting him and we have over 4,262 who are engaging in what we are posting on his page. We have a business that is as my husband said, very comprehensive and we have been building it for years now. And, in comparison, I want to tell that we have on our page 1,500 people who like what we do. These are all real numbers. It is really hard to get these statistics on Facebook without promoting them and we

cannot promote because everything that has to do with firearms cannot be promoted on Facebook. It is people, so you cannot pay for Facebook to promote your ideas. If you see something that you like and you're sharing it, it means you are engaging. We have over 45,000 people, 46,000 people here in Yakima who are supporting this. Thankyou.

**Ron Anderson:** Thank you.

**Norm Childress:** Thank you.

**Richard Weiss:** Good morning. My name is Richard Weiss. I'm a Yakima resident. You've heard a lot about 1639. I'd like to talk about the macroview of it. The thing is an initiative the I in 1639 and that is, means that its like a democratic vote, anything over 50 percent is gonna get passed. Also, on an initiative there is supposed to be one item, thirty-dollar car tabs, yes or no. This h ere is a 30-page documents and it's taking away people's rights and infringing them and impairing them and it just seems like that shouldn't be put on an initiative. I'd like you to approve our resolution. Thank you.

**Ron Anderson:** Thank you.

**Norm Childress:** Thank you.

**Norm Childress:** Anyone else? Okay, thank you for your comments.

- **CONSENT ITEMS:** Approved as presented.

FUNDING LEVEL: A=No Impact B=Under \$100,000 C=\$100,000-\$500,000 D=Over \$500,000				
DEPARTMENT	ITEM	DESCRIPTION	FUNDING LEVEL	ACTION
<b>Commissioners</b> Michael D. Leita, Chairman	Voucher/Warrant	Certification of Claims Clearing Warrant No. 754424 through 755032 in the net amount of \$:2,615,137.28:	A	APPROVED
		Certification of Salary Clearing Warrant No. 661562 through 662626 in the net amount of \$:2,653,190.86:	A	APPROVED
	Minutes	Approve Agenda Minutes of 3/05/19:	A	APPROVED
<b>Corporate Counsel</b> Don Anderson, Chief Civil Deputy Prosecuting Attorney	Reso 83-2019	Claim No. 15-2019 as Filed by Tejay Ray Beaty:	B	APPROVED
<b>County Roads</b> Matt Pietrusiewicz, County Engineer	Reso 84-2019	Agreement with Knobel Electric to Extend the Contract Period for the County Wide Electrical Maintenance Contract:	A	APPROVED
<b>Department of Corrections</b> Ed Campbell, Director	Agreement BOCC49-2019	Agreement with Looking Glass Analytics, Inc. for Web-based Data Query and Automated Reporting System:	B	APPROVED
<b>Facilities Services</b> Brian Griff, Director	Agreement BOCC50-2019	Agreement with Belfor USA Group, Inc. for Emergency Water Mitigation and Restoration Services Related to the Yakima County Main Jail Basement Flood:	C	APPROVED
<b>Human Resources</b> Jacqui Lindsay, Director	Reso 85-2019	Additions/Deletions to Budgeted Positions; in Dept. 220, Sheriff's Office; in Dept. 430, CJS; in Dept. 460, Juvenile Court:	B	APPROVED
<b>Public Services</b> Lisa Freund, Director	Reso 86-2019	Advertising Requests for Applications from Contractors for Listing on the Yakima County HOME Rehabilitation Small Works Roster:	A	APPROVED

FUNDING LEVEL: A=No Impact B=Under \$100,000 C=\$100,000-\$500,000 D=Over \$500,000				
DEPARTMENT	ITEM	DESCRIPTION	FUNDING LEVEL	ACTION
	Agreement BOCC51-2019	Water Agreement with Developer Tim Eglin to Authorize the Extension of a Waterline to Supply a Lot Development in Terrace Heights:	A	APPROVED
	Agreement BOCC52-2019	Amendment #1 to the Agreement with Shane's Diversified Pump Service for one Additional Year to Trouble Shoot and Repair County Pumps and Related Equipment:	B	APPROVED
<b>Purchasing</b> Sue Ownby, Director	Agreement BOCC53-2019	Intergovernmental Cooperative Purchasing Agreement Between Grays Harbor County and Yakima County:	A	APPROVED
	Agreement BOCC54-2019	Intergovernmental Cooperative Purchasing Agreement Between City of Vancouver and Yakima County:	A	APPROVED
<b>Sheriff</b> Robert Udell, Sheriff	Agreement BOCC55-2019	Agreement with Francisca's Interpreting Services to Provide Interpreting Services for the Yakima County Sheriff's Office:	B	APPROVED

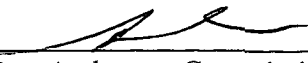
• **REGULAR AGENDA:** Approved as presented.

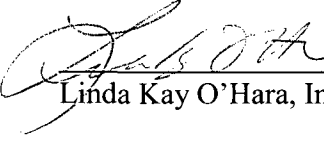
FUNDING LEVEL: A=No Impact B=Under \$100,000 C=\$100,000-\$500,000 D=Over \$500,000				
DEPARTMENT	ITEM	DESCRIPTION	FUNDING LEVEL	ACTION
<b>County Roads</b> Matt Pietrusiewicz, County Engineer	Reso 87-2019	Setting a Hearing Date to Consider the Temporary Closing of a Portion of Satus Longhouse Road and a Portion of Barnhart Road; <i>Tuesday March 26, 2019 @ 10:00; Kent McHenry Presenting:</i>	A	APPROVED
<b>Facilities Services</b> Brian Griff, Director	Reso 88-2019	Award Bid to M. Seigny Construction Inc., for the Yakima County Courthouse Elevator #3 Modernization Project:	D	APPROVED


Approved this 19<sup>th</sup> day of March 2019  
Excused

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Michael D. Leita, Chairman

  
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Norm Childress, Commissioner

  
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Ron Anderson, Commissioner

  
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Linda Kay O'Hara, Interim Clerk of the Board



**BOARD OF YAKIMA COUNTY COMMISSIONERS  
PUBLIC HEARING**

Date: March 12, 2019  
Re: **Franchise 1-2019 Puterbaugh Farms of WA LLC (Irrigation)**  
Time: 10:00 AM  
Location: City Council Chambers, 129 North Second St, Yakima, Washington  
Present: Chairman Michael D. Leita  
Commissioner Norm Childress  
Commissioner Ron Anderson  
Legal Counsel Don Anderson  
Interim Clerk of the Board Linda Kay O'Hara

Record of Proceedings

**Jase Testerman, Title:** Morning Jase Testerman County Roads Department. So, on February 2, 2019, Yakima County Roads Department received application for a franchise from Puterbaugh Farms of Washington, LLC for multiple locations. The first one recorded under Franchise 01-19 is for an irrigation line to be pushed underneath Green Valley Road approximately 1,580 feet east of Wendell Phillips Road. County Roads has reviewed this application and recommends approval.

**Norm Childress:** This is a public hearing, so at this point is there anyone that would like to comment on this? Seeing none, I'll close the public hearing.

**Ron Anderson:** Mr. Chair, I move that we approve Franchise 1-2019 to move forward to resolution.

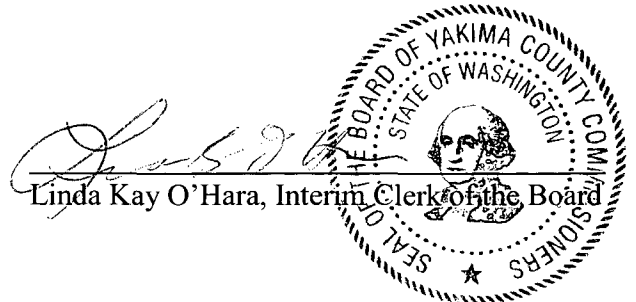
**Norm Childress:** I would second that, do we have any further questions or comments.

Approved this 19<sup>th</sup> day of March 2019.  
Excused

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Michael D. Leita, Chairman

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Norm Childress, Commissioner

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Ron Anderson, Commissioner



**BOARD OF YAKIMA COUNTY COMMISSIONERS  
PUBLIC HEARING**

Date: March 12, 2019  
Re: **Franchise 2-2019 Puterbaugh Farms of WA LLC (Powerline)**  
Time: 10:00 AM  
Location: City Council Chambers, 129 North Second St, Yakima, Washington  
Present: Chairman Michael D. Leita  
Commissioner Norm Childress  
Commissioner Ron Anderson  
Legal Counsel Don Anderson  
Interim Clerk of the Board Linda Kay O'Hara

Record of Proceedings

**Jase Testerman, Senior Project Planner-Transportation:** Submitted at the same time, February 2<sup>nd</sup> of 19. Puterbaugh Farms has applied for Franchise to push a powerline under Green Valley Road. This one being located approximately 1,300 feet west of Sunnyside-Mabton Road. Yakima County Roads Department has reviewed this application and recommends approval.

**Norm Childress:** This a public hearing so anyone can comment on this, would anyone like to comment on this? I hear none, I'll close the hearing.

**Ron Anderson:** Mr. Chair I move that we approve Franchise 2-2019 to move forward to resolution.

**Norm Childress:** Thank you.


Approved this 19<sup>th</sup> day of March 2019.  
Excused

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Michael D. Leita, Chairman

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Norm Childress, Commissioner

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Ron Anderson, Commissioner

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Linda Kay O'Hara, Interim Clerk of the Board



**BOARD OF YAKIMA COUNTY COMMISSIONERS  
PUBLIC HEARING**

Date: March 12, 2019  
Re: Intent to Vacate/Abandon section of Right-of-Way off Southern Ave  
Time: 10:00 AM  
Location: City Council Chambers, 129 North Second St, Yakima, Washington  
Present: Chairman Michael D. Leita  
Commissioner Norm Childress  
Commissioner Ron Anderson  
Legal Counsel Don Anderson  
Interim Clerk of the Board Linda Kay O'Hara

Record of Proceedings

**Marlene Ozanich, Right-of-Way Agent County Roads:** Good morning Commissioners. My name is Marlene Ozanich. I'm a Right-of-Way Agent for our Yakima County Roads Department. On January 10<sup>th</sup> of this year, our Right-of-Way department received a petition to vacate certain unimproved road right-of-way from property owners Carmen Lowry and David Van Alstine. Today I am going to present the findings from the Engineer's report in response to that petition that was compiled by our County Engineer Matt Pietrusiewicz. The two petitioners Mrs. Lowry and Mr. Van Alstine own all parcels abutting the right-of-way in question, which is shown and highlighted on the map provided. This portion of right-of-way is located just outside Selah city limits to the west and lays just north of Southern Avenue. The right-of-way is a 60-foot-wide strip approximately 50 feet in length. It was originally dedicated to the County by a Short Plat that was recorded in 1991. The proposed vacated right-of-way has been held in reservation since its dedication. It has never been improved. It has never been accepted into the maintained County road system. Furthermore, Yakima County Roads Department has not anticipation of utilizing this right-of-way in the future. Our Yakima County survey team has performed a utility located and has determined there no utilities in the right-of-way therefore, there is no need for a utility easement to be reserved within this vacation. Access to any affected parcels has been provided by an easement that was recorded on December 6<sup>th</sup> of 2018 in preparation for the vacation. Therefore, vacating this right-of-way will not result in any landlocked parcels. Yakima County Roads staff supports this vacation and recommend that the Board of Yakima County Commissioners officially vacate and abandon this portion of right-of-way so that the land can be merged with the adjacent parcels. Thank you.

**Norm Childress:** This a public hearing, if anyone like to comment, please come forward. I see none, with that I'll close the public hearing.

**Ron Anderson:** Mr. Chair, I move to approve the intent to vacate and abandon section of the right-of way of Southern Avenue as presented by Marlene Ozanich.

**Norm Childress:** I would second that. Any questions? Motion passes.

Approved this 19<sup>th</sup> day of March 2019.


Excused

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Michael D. Leita, Chairman

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Norm Childress, Commissioner

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Ron Anderson, Commissioner

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Linda Kay O'Hara, Interim Clerk of the Board



# **Yakima County, Washington Resolution \_\_\_\_\_**

## **Opposing Washington State Initiative I-1639**

**Opposing implementation of Washington State Initiative I-1639 which restricts the individual rights of Citizens as protected by the Second Amendment of the Constitution of the United States, and by Article 1, Section 24 of the Washington State Constitution.**

**WHEREAS**, the Right of the People to Keep and Bear Arms is guaranteed as a protected Individual Right under the Second Amendment to the Constitution of the United States and under Article 1, Section 24 of the Washington State Constitution; and,

**WHEREAS**, the Right of the People to Keep and Bear Arms for defense of Life, Liberty, and Property is regarded as an Inalienable Right by the citizens of Yakima County, Washington; and,

**WHEREAS**, the residents of Yakima County, Washington derive economic benefit from all safe forms of firearms recreation, hunting, shooting, and sales conducted within the County using all types of firearms, ammunition, and accessories allowable under Federal and State Constitutions; and,

**WHEREAS**, any provision or application of I-1639 which restricts the individual rights of Citizens as protected by the Constitution of the United States, or Yakima County Citizens as protected by Article 1, Section 24 of the Washington State Constitution will create economic hardship on lawfully owned and operated small business firearms dealerships, and will create undue burdens, regulations, and cost increases on persons attempting to lawfully purchase firearms, ammunition, and firearm accessories, and will have a direct negative impact on local economies through job losses, and sales tax declines, and will create layers of burdensome, troublesome, and Unlawful governmental regulation; and,

**WHEREAS**, the Citizens of Yakima County, Washington recognize Sheriff Robert Udell as their duly elected Sheriff, and recognize his Oath of Office to faithfully uphold and defend the Constitution of the United States and the Washington State Constitution, and recognize the Sheriff as the supreme Law Enforcement Officer within Yakima County, Washington; and,

**WHEREAS**, the Yakima County Commissioners, being duly elected to represent the residents of Yakima County and being duly sworn by their Oath of Office to uphold the Constitution of the United States and the Washington State Constitution, including, but not limited to, the protection of the lawful and Inalienable Right to Keep and Bear Arms for defense of Life, Liberty, and Property, and for safe forms of firearm recreation, hunting, shooting, and sales conducted within Yakima County, Washington;



**THEREFORE, BE IT RESOLVED** that the Yakima County, Washington Board of County Commissioners does hereby oppose the implementation of I-1639, or the enactment of any other legislation that would infringe upon the Inalienable Rights of its residents to Keep and Bear Arms and would consider such laws to be unconstitutional and beyond lawful application of its legislative and governmental authority or duties; and,

**BE IT FURTHER RESOLVED** that the Yakima County, Washington Board of County Commissioners will support the efforts of Sheriff Robert Udell, the duly elected Sheriff of Yakima County, Washington and supreme Law Enforcement Officer of Yakima County, to protect and defend the Inalienable Rights of the residents of Yakima County.

**APPROVED** this \_\_\_\_\_ of \_\_\_\_\_, 2019

**BOARD OF COUNTY COMMISSIONERS  
YAKIMA COUNTY, WASHINGTON**

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**Mike Leita, Chairman**

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**Ron Anderson, Commissioner, District 2**

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**Norm Childress, Commissioner, District 3**

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**Rachel Michael, Clerk of the County Board**