

COMMISSIONERS PROCEEDINGS
FEBRUARY 17, 2009
CLARK COUNTY, WASHINGTON

The Board convened in the Commissioners' Hearing Room, 6th Floor, Public Service Center, 1300 Franklin Street, Vancouver, Washington. Commissioners Mielke, Stuart, and Boldt, Chair, present.

PLEDGE OF ALLEGIANCE

The Commissioners conducted the Flag Salute.

PUBLIC COMMENT

Speaker #1

Les Lomax, Southwest Washington Advocates for Youths (SWAY), commented on the program's need for financial assistance to continue. Mr. Lomax said it was his understanding that the Board of Commissioners had the ability to provide that financial support. He stated that one of the trainees died a few days earlier in an accident, which prompted him to attend the hearing and ask for the board's support. He noted that SWAY serves many communities, aside from Clark County.

Bill Barron, County Administrator, explained that in the 2009-2010 budget reductions SWAY was cut out of the Juvenile Justice budget. He said there was a new Juvenile Justice Director and the budget was somewhat new to him and there also wasn't a lot of advanced notice that SWAY was going to be cut. Barron stated that at the board's direction he went to District Court and they were going to be able to do a 3-month step down of the program, which he was preparing for the board's review this week.

Boldt told Mr. Lomax that they would follow-up with him this week.

Speaker #2

Jack Nugent, 125th Street, commented about urban holding on 119th. Mr. Nugent said the last meeting he attended regarding urban growth boundary indicated that his area, which is a square mile north of 119th and east of 50th Avenue, is in urban holding based on a traffic study of the area. He was also told last April that there would be a traffic study of the Fairgrounds area and once it was completed they would do a traffic study in his area next. His understanding was that the traffic study was completed in the area around 179th and it's being held up because of road expenses. Mr. Nugent wanted to know when they could get the traffic study completed for his area so they can proceed.

Pete Capell, Director, Department of Public Works, said Mr. Nugent was correct about the work being done on 179th. He said they were still trying to get closure on bringing the projects together on 179th. Capell said he would get Mr. Nugent's phone number and get back to him regarding the status of the other study to be able to provide direction.

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Steve Schulte, Department of Public Works, added that there are multiple locations in the county outside of the 179th Street corridor that currently have the urban holding overlay. The first priority was the 179th Street overlay; another was the 119th/50th Avenue area; and he thought there was an area on the far east side.

Stuart didn't believe they needed to worry about the area on the far east side because it was waiting for annexation and so the planning for the road system would be done by the City of Vancouver.

Schulte said probably at this point in time the board needed to give staff clear direction on the areas they should focus on.

Boldt suggested they fit in a work session to go over those areas.

Stuart said a work session regarding infrastructure priorities had been scheduled for the previous week, but had to be rescheduled.

Capell confirmed that it was rescheduled for the first Wednesday in March at 9:00 a.m.

Speaker #3

Ed Lynch, Citizens Against Reservation Shopping (CARS), thanked the board for abandoning the Clark County Court appeal and with it the 2004 Memorandum of Understanding with the Cowlitz Tribe. Mr. Lynch asked the board to not negotiate another one. He said CARS was told by George Skibine, from the Bureau of Indian Affairs, that the absence of a MOU from the Cowlitz application would likely be a deal breaker. Additionally, the tribe has failed to show any Cowlitz cultural, geographical, or historical presence below Kelso. He said with the board's opposition, developers would abandon their project and go to Lewis County or upper Cowlitz County where they belong.

Boldt said in reading emails they received he recalled two decisions: one where there was no agreement and the BIA agreed to the casino; and then total agreement and the BIA denied it.

Stuart said Commissioner *Boldt* was referencing Butte County, California, where they were on record as actively opposed a casino and did not sign an agreement; however, the tribe was still granted a casino project.

Lynch wondered if that tribe was within their historical geographical area because, if so, then it's a slam dunk, which isn't the case with the Cowlitz tribe. He said if the county signs any document, they are signaling to the BIA their willingness to settle for a casino. *Lynch* said many interagencies were harshly critical of the Cowlitz Final Environmental Impact Statement (FEIS) and no local government was more direct in their condemnation of it than Clark County. Yet the Cowlitz either ignored the county's concerns or

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pretended they didn't exist. After thousands of hours the county expended on the EIS, they surely wouldn't negotiate another MOU without getting the county's experts' issues satisfied. Lynch stated that in April of 2008 the county conducted three hearings around the county and more than 100 citizens testified, with 70% saying "no MOU, no casino." He said he believed the opposition to the casino would prevail, but it would be more direct and to the board's credit if they joined to do their part to secure, maintain, and enhance the community's standard of living.

Boldt stated that the BIA and the Department of Interior are Federal agencies and the county has tried their very best to go on both sides. He said as much as he respects the three Federal officials who represent the county, he has heard absolutely nothing from them so it's up to organizations like CARS to get them to do something to help the county. He encouraged CARS to do that.

Mielke pointed out that a couple of weeks previously they visited the Governor's office where there's a map of the numerous tribes in the state and the Cowlitz tribe was not in Clark County.

CONSENT AGENDA

There being no public comment, **MOVED** by Stuart to approve consent agenda items 1 through 8. Commissioners Boldt, Stuart, and Mielke voted aye. Motion carried.

PUBLIC HEARING: AMENDED 2009 ANNUAL CONSTRUCTION PROGRAM

Held a public hearing to consider the proposed amendments, which consists of the following additions to the program:

- Added Potential Stimulus Funds to the following Transportation Projects:
 - NE Ward Road / NE 172nd Avenue Intersection Realignment
 - NE 88th Street East - NE St. Johns Road to NE Andresen
 - NE 134th Street Traffic Signal Optimization Project
 - NE 99th Street - SR-503 to NE 137th Avenue

- Added Potential Stimulus Funds to the following Ongoing Programs:
 - Sidewalk- NE 72nd Avenue - NE 63rd Street to NE 66th Street
 - Sidewalk- NE 142nd Avenue – NE 78th Street to NE 81st Street
 - Preservation- Arterial Overlays
 - Bridge- Various Bridge Rehab/Repairs

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- Added CRAB Funds to the Preservation Programs
- Buncombe Hollow – ongoing Rural Road Program
- NE 65th Avenue – Ongoing Advanced Right-of-Way

Bill Wright, Department of Public Works, stated that the information before the board had been prepared weeks earlier in anticipation of what the stimulus bill might look like. He said the bill came out of the Senate late last Friday so they would be able to get more definite information. Wright explained that they threw stimulus money at basically any project they had on their ACP that might be eligible, allocating about \$15 million. However, he said at this point they would be getting somewhere between \$2 and \$4 million. He asked the board to continue the hearing to February 24 in order to allow them time to remove ineligible projects for funding and come back with a clean list for the board's action.

Boldt wanted to know if they had an idea of how the money would flow.

Wright said one stream was flowing through the Federal Highways channel and would be coming via the state to local regions. So RTC would have a block of money estimated at \$8 to \$10 million.

Boldt asked if that was for the entire state.

Wright said it was for the Southwest Washington region and although there was much more demand than the money would satisfy, it was still enough to be significant. He said there are other potential flows as well, such as some funds for clean water loans through state ecology. He stated that they were looking into the law to see where the money is coming so that they can get positioned for it.

Stuart suggested it might be helpful to have a summary sheet of all the different aspects of the stimulus bill and what possible funding streams could come to Clark County.

Barron said he asked each department to do that so that they have a coordinated effort in terms of who gets what, when, how, etc. He said during the National Association of Counties Legislative Conference they plan on having work shops on the stimulus bill. So between what Commissioner Mielke finds out at the legislative conference and what staff will do on a coordinated effort, he would be happy to follow-up on that.

Boldt asked if the construction program needed to be amended by a certain date.

Wright responded that it would be timely if they meet the following Tuesday with the revised list. He said there was going to be a new list of projects to come before the RTC Board in early March and they've heard from RTC staff that there's a list that needs to be

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prepared by the end of February to go to the state. He noted that all three plans have to be in sync in order to be eligible for the funding.

Boldt stated that they can do all the work on the stimulus that they want, but it's going to come down to votes from legislators and congressman. He said he didn't want to backtrack too much and would rather say that they are optimistic about getting more money.

Wright said they could certainly have a bigger list of projects versus a smaller one.

Boldt said once you've lowered the bar it's kind of hard to kick it up.

Stuart agreed with having a longer list to start with.

Mielke asked if the longer list included economic stimulus type projects. He said some on the list might not be.

Stuart said they should, yes. Their list is, and should be, prioritized to show the most safety and economic benefit. The problem is that the list they are being asked for is prioritized by which projects can be done fastest and are ready to go. Those tend to be the ones that are not necessarily their highest economic development value projects.

Wright said the projects are essentially the ones they would be doing this year anyway because of the assumption they would have to have them out to bid by summer in order to meet the requirements of the new law. So it's really just getting Federal money into projects that didn't have Federal money before.

There being no public comment, **MOVED** by Stuart to continue the hearing for the 2009 Amended Annual Construction Program to February 24, 2009 at 10:00 a.m. in the Commissioners' Hearing Room, 6th floor, Public Service Center. Commissioners Boldt, Stuart, and Mielke voted aye. Motion carried.

COMMISSIONER COMMUNICATIONS

Stuart commented that Commissioner Boldt did a good job on the State of the County.

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BOARD OF COUNTY COMMISSIONERS



Marc Boldt, Chair



Steve Stuart, Commissioner

Tom Mielke, Commissioner

ATTEST:



Clerk of the Board

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