

**MINUTES  
CLARK COUNTY BOARD OF COMMISSIONERS  
SEPTEMBER 29, 2009**

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.

**9:45 A.M.**

**PROCLAMATION – DISABILITY EMPLOYMENT AWARENESS MONTH**

Commissioner Boldt read a proclamation declaring the month of October 2009 as Disability Employment Awareness Month in Clark County.

Maradee Potter, Work-Based Learning Coordinator, Vancouver School District, accepted the proclamation and thanked the county for their support.

**10:00 A.M.**

**PLEDGE OF ALLEGIANCE**

The Commissioners led the Pledge of Allegiance.

**BID AWARD CRP 330522**

Reconvened a public hearing for Bid CRP 330522 – NE 99<sup>th</sup> Street (NE 117<sup>th</sup> Avenue (SR-503) to NE 137<sup>th</sup> Avenue). Mike Westerman, General Services, read a memo stating that staff had received and reviewed a bid protest submitted by Nutter Corporation, which contended that the low bidder should be considered non-responsive for the discrepancies in their proposal. The Prosecuting Attorney's Office-Civil Division and staff reviewed the protest and consider the issues as minor informalities. Westerman stated that no material advantage was created that would support rejection of the bid and in this case it was in the public's interest to waive the minor informalities and Purchasing, Public Works, and the Prosecuting Attorney-Civil Division were recommending award of Bid CRP 330522 to the low bidder.

**Discussion**

Commissioner Boldt asked if they would be documenting progress. He added that he was still uncertain about how pervious surfaces would last.

Heath Henderson, Public Works, said as part of the pervious sidewalk installation, the contractor would be required to do a test panel and they would monitor that, as well as the rain garden installation.

**ACTION:** There being no public comment, moved by Stuart to **AWARD** Bid CRP 330522 to Rotschy, Inc. of Vancouver, Washington in the total bid amount of \$4,456,962.66,

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including Washington State sales tax, and grant authority to the County Administrator to sign all bid related contracts. Commissioners Boldt, Stuart, and Mielke voted aye. Motion carried.

**BID AWARD 2533**

Reconvened a public hearing for Bid CRP 2533 – Annual Supply & Placement of Bark Dust. Mike Westerman, General Services, read a memo recommending award of Bid 2533 to the low bidder.

**Discussion**

Commissioner Stuart said he had talked with the Public Works Director about doing a change order to the nugget bark understanding that they would get fewer yards for the price, but that it would only need to be replaced every 5-10 years versus every 1-2 years. He asked if that could be accomplished with this.

Pete Capell, Director, Public Works, said they would be using the cedar chips for play areas and in lieu of bark dust they would use their street sweeping Vactor waste material. In other places where they would have applied bark dust, they can apply two inches of bark chips, which will still keep weeds out. He said it is more expensive, but doesn't need to be replaced as frequently and with this particular vendor they can do a change order to the bark chips.

**ACTION:** There being no public comment, moved by Stuart to **AWARD** Bid 2533, with the direction of the Board of County Commissioners to establish a change order from medium fine grade bark dust to the nugget bark and to reduce the use of bark dust and transition to Vactor waste mulch, which is produced from street sweepings, to City Bark & Recycling LLC of Vancouver, Washington, in the total bid amount of \$96,669.94, including Washington State sales tax, and grant authority to the County Administrator to sign all bid related contracts. Commissioners Boldt, Stuart, and Mielke voted aye. Motion carried.

**PUBLIC COMMENT**

None

**CONSENT AGENDA**

**ACTION:** There being no public comment or board discussion, moved by Stuart to **APPROVE** consent agenda items 1 through 9. Commissioners Boldt, Stuart, and Mielke voted aye. Motion carried.

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**PUBLIC HEARING – 2009 SUMMER SUPPLEMENTAL APPROPRIATION**

**Item Description:** To consider approval of the 2009 Supplemental Appropriation summer clean up – A total increase in expenditures of \$2,772,034; revenue decreases total \$8,853,596 for a net decrease in fund balance of \$11,625,630.

**Department:** Office of Budget & Information Services

**Staff Contact:** Bob Stevens

**Staff Summary:**

Mr. Stevens summarized that the net effect across all funds of the supplemental was to reduce the fund balance by \$11 million with \$8 million of that in the Wastewater Treatment Fund being done as a reduction in revenues to match the sewer district's budget. Also, they were increasing expenditures to wipe out a negative \$3.3 million in the building fund and it was the final adjustment that would take them to their \$11.8 million budget. Stevens said the net impact to the General Fund was to improve fund balance by \$471,000, which comes from a reduction of \$900,000 in expenses in the Information Services Department related to their contract with the City of Vancouver, offset by an increase in contingency of \$360,000 that would be used to offset the early retirement program leave payouts they've had to make. Stevens said there were also some minor General Fund grants—\$27,700 for Juvenile to continue restorative community service projects and \$32,000 for a Marijuana eradication grant for the Sheriff.

**Comments from the public:**

None

**ACTION:** There being no public comment or board discussion, moved by Stuart to **APPROVE** Resolution 2009-09-15 for the 2009 Summer Supplemental Appropriation. Commissioners Boldt, Stuart, and Mielke voted aye. Motion carried.

**PUBLIC HEARING – ROAD FRANCHISE AGREEMENT WITH BPA**

**Item Description:** To consider adoption of a Road Franchise Agreement under Revised Code of Washington 36.55 with the Bonneville Power Administration. The Road Franchise Agreement establishes procedures for managing utility infrastructure in County rights-of-way and covers all County rights-of-way.

**Department:** Prosecuting Attorney's Office

**Staff Contact:** Bernard Veljacic

**Staff Summary:**

Mr. Veljacic stated that the proposed resolution was a follow-up to the 1962 Road Franchise Agreement with the Bonneville Power Administration (BPA). He said that agreement did not anticipate underground utilities such as fiber optics, which BPA was currently endeavoring to install, and this agreement was broader in scope.

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**Discussion:**

Commissioner Boldt asked if others who put in fiber optics already have this agreement.

Veljacic said they have a list that contains some that need to be updated, some have expired.

Commissioner Mielke asked if they got any kind of subsidy for allowing BPA to be in county rights-of-way.

Veljacic said it was provided for in the agreement that the county can charge a reasonable fee.

Mielke also stated that it was important that in the event of relocation or the need to dig, that BPA do it at their expense.

Veljacic said that was a big issue and they did provide for that. He added that historically BPA has been good to work with.

Commissioner Stuart said the agreement included a provision that states – “the grantee shall design and construct its facility installations in a manner that minimizes the adverse effect on existing roadside, manmade, or natural amenities.” He assumed that would cover things like big trees and he wanted to know who would determine that.

Veljacic said it would be in conjunction with the County Engineer, Public Works, Community Development, and the BPA’s engineer. He added that the BPA has to comply with the county’s substantive standards when it comes to design and mitigation.

**Comments from the public:**

None

**ACTION:** There being no public comment, moved by Stuart to **APPROVE** Resolution 2009-09-16 for the Road Franchise Agreement with Bonneville Power Administration. Commissioners Boldt, Stuart, and Mielke voted aye. Motion carried.

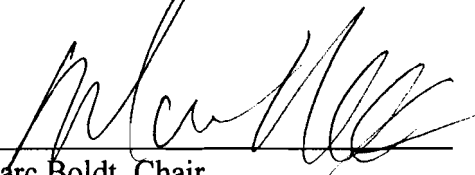
**COMMISSIONER COMMUNICATIONS**

- Commissioner Boldt welcomed Jeff Mize to the Public Information Office.
- Commissioner Stuart commented on an op-ed he wrote, which appeared in the Sunday Columbian.

Hearing adjourned

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BOARD OF COUNTY COMMISSIONERS



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Marc Boldt, Chair



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Steve Stuart, Commissioner

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Tom Mielke, Commissioner

ATTEST:



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Louie Richards  
Clerk of the Board

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Please Note: The Board of Commissioners' minutes are action minutes. Digital recordings can be provided upon request. In addition, the Commissioners' hearings are broadcast live on CVTV, cable channels 21 and 23, and are also videotaped and repeated several times ([www.cvtv.org](http://www.cvtv.org))