



BOARD OF YAKIMA COUNTY COMMISSIONERS

Regular Meeting
Work Session

Monday, May 22, 2023, at 9:00 am

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

5/22/2023 - 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 Stefanie Weigand, Clerk of the Board Julie Lawrence, Deputy Clerk of the Board Erin Franklin, YCDA Director Jonathan Smith, County Prosecutor Joe Brusic, Planning Official Thomas "Tommy" Carroll, Joe Poire (Broadband Consultant), Human Services Director Esther Magasis, Superior Court Administrator Jessica Humphreys, Financial Services Director Craig Warner, and guests.

2. PUBLIC COMMENT

No Public Comment Received.

3. DISCUSSION WITH YCDA (15 Minutes)

(This discussion was postponed until after the broadband discussion due to scheduling conflicts.)

Jonathan Smith was present to discuss the potential use of SIED funds for an air service minimum revenue guarantee for future additional flights at Yakima Air Terminal. He explained that Whitman County had utilized their SIED funds in this way, but suggested that Financial Services and Corporate Counsel look into this issue further to confirm whether Yakima County could do the same. Commissioner McKinney noted that additional flights are clearly shown to aid economic stimulus, but Craig Warner clarified that SIED funds are generally limited to "brick and mortar" projects. However, interest earnings off of SIED funds (both cash and loans) could potentially be utilized, as they are usually put towards economic development.

Commissioner Curtis suggested that the State Auditor might be able to confirm whether there was an issue with Whitman County's use of SIED funds; he also noted that he would prefer to prioritize the use of other funding besides SIED. Julie Lawrence was directed to ask Legal Counsel Dan Clark to connect with Craig and Jonathan and reach out to Whitman County for more information.

Commissioner Curtis asked for an update on how much money had been pledged by the public and private sectors toward the \$500,000 minimum revenue guarantee for the initial restoration of two flights. Including Yakima County's pledge of \$100,000 (from ARPA interest earnings), the City of Yakima's pledge of \$125,000, and additional pledges from private businesses, about \$295,000 has been secured as of Friday, and Commissioner McKinney indicated that she is anticipating more funding coming through soon. She confirmed that she will take the week to follow up with other businesses she's spoken with previously; Jonathan offered to ensure these business have the pledge form, as well. Alaska Airlines has indicated that

the full \$500,000 will need to be in the special account set up by YCDA by the end of September 2024, but it would be beneficial to have it ready sooner.

4. DRUG POSSESSION ORDINANCE UPDATE (15 Minutes)

Commissioner McKinney explained that the State Legislature had successfully passed drug possession legislation at their special session on Tuesday. Joe Brusic explained that is functional and has some "teeth" as a gross misdemeanor, however, it would have been better without the option of vacation of conviction after 6 months. He and Commissioner McKinney referenced the data supporting that 12 months of treatment leads to better success rates, and noted that treatment providers specifically advocated for this. Joe also explained that more treatment options and funding supports would have been available had the Legislature kept drug possession as a Class C felony (with the addition of a greater emphasis on treatment and diversion) instead of lowering it to a gross misdemeanor. Finally, he noted that law enforcement may not be able to arrest for drug possession unless they personally witnessed the drug use – it can't simply be reported by someone else. Commissioner Curtis asked about how this legislation would affect Yakima County's ordinance regarding possession of drug paraphernalia; Joe responded that he doesn't think it will preempt County Code at this time.

Joe further explained that portions of the original Blake Law will sunset as of July 1st, but other portions won't sunset until August 14th. Therefore, the assessment of WASPC (Washington Association of Sheriffs & Police Chiefs) is that the new legislation won't fully take effect until August 14th, either. Prosecutorial discretion will come into play as a result. He surmised that this will likely affect the cities' district courts than counties' district courts across the state. Commissioner Curtis suggested diversion capacity as a topic of discussion at a future Law & Justice Committee meeting. Commissioner McKinney expressed the need to intervene on behalf of public health because of how much deadlier drug use has become both for drug users and innocent bystanders. Commissioner Linde spoke to the need for treatment and accountability, and noted the Treatment Court event that he attended last week. The Board also discussed how Mental Health Sales Tax funds will become even more critical for expanding treatment services locally.

5. PUBLIC SERVICES (15 Minutes)

Tommy Carroll explained that the Board would be holding a public hearing on Tuesday to discuss the City of Naches' proposed Urban Growth Area expansion. He outlined the changes from the original proposal, including a land swap in the new proposal, and noted that in addition to a great deal of public pushback, the Department of Commerce sent Yakima County a letter stating that land swaps with agricultural land were recently prohibited under the Growth Management Act. As a result, the City of Naches has since made additional modifications to their proposal. Subsequently, the Department of Commerce sent Yakima County a follow-up letter of concern that this "emergency amendment request" does not truly qualify as an emergency, and any changes should be considered during the normal review period in the context of the entire County. Commissioner Curtis asked whether the County would be in violation of any legislation if the Board were to approve this proposal, since the decision about land swaps was not instituted until after the County began its review process of the proposal. Tommy stated that someone could potentially appeal the Board's decision, but he isn't sure if it would be successful.

Tommy and the Commissioners briefly discussed the history of Naches' proposals before the Planning Commission and the Board thus far. Stefanie Weigand advised that the Board refrain from making a final decision at Tuesday's hearing, per usual practice of allowing ample time for deliberation and review of any additional documentation submitted at the hearing. These decisions are usually moved forward for consideration at a future Agenda. Tommy concurred, and confirmed that the City would be submitting additional documentation.

6. BROADBAND DISCUSSION (30 Minutes)

(This discussion was moved to the top of the Agenda before the YCDA discussion due to scheduling conflicts.)

Joe Poire and Esther Magasis explained that to their knowledge, the Washington State Broadband Office

hasn't released the points system for this grant, but it has been notifying applicants of approvals, including \$11 million for Yakima County. Esther reminded everyone that the County had selected the area around Tieton (about 870 homes) as the project site for this first grant application because it was a good fit in terms of size, demographic, and funding amount. Joe noted that applications didn't fare as well when they included project areas that broadband providers claimed they are already serving or have plans to serve.

Municipalities that decided to remove those areas from their applications (even if they had strong reasons to dispute the providers' claims) fared better. Commissioner McKinney reminded the public that the reason the government is getting involved in broadband is the level of need; the goal is to speed up the process for the private sector in order to serve the public more quickly, encouraging the building out of broadband infrastructure while maintaining competition in the private sector.

In response to Commissioner McKinney's question, Joe outlined the process of opening up an RFP for broadband infrastructure buildout. Once the County gets under contract, it will be important to review Federal Treasury rules to ensure that any applications address not only the infrastructure needs, but also fulfill important digital equity and financial requirements. In response to Commissioner Curtis' question, he also explained grant money awarded through Washington State University for two different plans: a broadband infrastructure plan (\$15,000), and a digital equity inclusion plan (\$44,000). He anticipates that Washington State will receive about \$950 million to \$1 billion in BEAD (Broadband Equity Access Deployment) funding from the federal government through 2028; the State will apply for this in November, and funding will roll out in January or February 2024. This could add some additional guidance to the Treasury rules.

Commissioner McKinney noted that the Yakama Nation will receive their own separate funding through the federal government; however, Commissioner Linde confirmed that there will likely be opportunities for partnership with the Tribe.

Craig Warner stated that he will need to discuss with Human Services and Public Services what types of funds (for accounting purposes) the County will need to establish for broadband expenses. The Board directed him to proceed with scheduling these discussions and then to provide an update. In response to Commissioner Curtis' question, Commissioner McKinney clarified that the \$10 million in ARPA funds that the Board set aside for broadband grant match funds was not needed for this first grant, but can be utilized for match funds on future grants or for other broadband expenses that aren't covered by grants.

The Board asked that Stefanie Weigand coordinate with Joe and Esther about reviewing the plan paperwork the County will need by June 14th, and setting up a Work Session to approve this paperwork prior to that date. Joe and Commissioner Curtis briefly discussed the timeline for the broadband grant RFP over the next few years, and Commissioner McKinney noted the efforts to try to extend the use of ARPA funds (which, as it stands, must be spent by the end of 2026) for broadband projects (which will receive funding through 2028).

7. HUMAN SERVICES (45 Minutes)

Agenda Items: In response to the Board's questions at Friday's Work Session, Esther Magasis explained that Agreement 131-2023 is a request for an amendment to receive additional grant funds for a Northwest Community Action Center contract. The contract is also being extended for an additional year. Agreement 132-2023 is to accept grant funding from Washington State University to help Yakima County's Broadband Action Team write its digital equity plan for broadband.

Mental Health Sales Tax RFI Discussion: Esther shared a spreadsheet with the Board detailing the internal project proposals from the Mental Health Sales Tax RFP, including notes on external partners and costs from the RFI. She noted that she had not included non-specific projects from the RFI that would not meet the necessary criteria. Commissioner Curtis raised the question of whether the Board felt comfortable moving forward with a decision before having completed the external RFP and receiving additional information about DCR funding. Commissioner McKinney suggested the Board decide how much they'd like to spend for the first year, observe what programs work well, and then make decisions about future years accordingly. She asked Craig to share the amount of funding already available in reserves (\$15,078,359.89), and the projected amount for the future (about \$5.2 million annually). There will be about \$18 million available by the end of the year.

Craig also explained that MHST funding cannot be used to supplant other funding for existing programs – it

must go towards new programs or expanding current programs. The only exception is for sustaining programs that are going to lose a different type of grant funding, such as Trueblood funding. There might also be special rules around treatment courts; Stefanie Weigand stated that she would look into this. The Board agreed that, in an effort to avoid awarding funds that would be considered "supplanting", they would like additional detail from internal applicants on how much funding they currently have, how much additional funding they need, for what purpose, and by what date. Esther confirmed that she would reach out to the applicants this week and have them specify line by line what programs are new, what programs are expanding, and what programs might be losing grant funding. She added that she would try to get an idea of what other funds those programs utilize, in order to keep tabs on what funding streams could be ending. She will request responses by the end of next week, and the Board agreed to resume discussion at the Work Session on Monday, June 5th.

Superior Court Administrator Jessica Humphreys was present to clarify some of this information for her department, noting that her application included requests that are above and beyond what their HIDTA grant covers. That grant is also being cut in half, so she is looking to offset those costs to sustain existing programs. Additionally, there was some confusion requiring Corporate Counsel's guidance as to whether part of a treatment court judge's salary could be covered by MHST funds. (Jessica also asked Esther to update her spreadsheet to reflect that Family Treatment Court is part of Juvenile Court, not District Court.)

Regarding the RFP for external projects, Esther updated the Board that she is in the process of creating the structure and getting a sense for what questions need to be asked. Commissioner McKinney asked to include language requiring data collection; Commissioner Curtis concurred, desiring measurable outcomes. Commissioner McKinney also asked that Esther tie in diversion legislation. Esther stated that she could have a draft RFP prepared in the next couple of weeks, possibly by the end of May. The Board agreed that they are still interested in reviewing applications together instead of utilizing a scoring committee; this process will be handled similarly to ARPA discussions.

Finally, Commissioner Curtis noted that Franklin and Benton Counties have combined resources to purchase facilities to use for mental health services, and are looking to bring in a provider. He asked if this might be something worthwhile for Yakima County to pursue. Commissioners McKinney and Linde stated that those two counties already combine resources in other areas, so this is not abnormal. It would be easier for Yakima County to keep things local, in part for auditing purposes, and in part due to the competition for providers.

8. COMMISSIONER UPDATES/ GENERAL DISCUSSION

Commitment NACo Leadership Academy: Commissioner McKinney explained that since she has received a seat on the NACo (National Association of Counties) Board, Yakima County has been offered the opportunity to send up to two female employees to this leadership academy, which entails a 12-week, 4-5 hours per week, self-guided online course. She stated that in addition to attending herself, she would also love to recommend another employee, such as Public Services Building Official Marivel Garcia, Financial Services Senior Manager Stefanie Truex, or Human Services Director Esther Magasis. She asked if the other Commissioners had any other recommendations, and added that more employees could also attend next year if she remains on the NACo Board. The cost is \$1,500 for two attendees, which Craig Warner explained is a pretty typical cost and usually comes from the appropriate department's budget. Supportive of the educational opportunity, the Board agreed to reach out to the employees that Commissioner McKinney suggested, gauge interest and availability, and then draw names out of a hat if necessary. Julie Lawrence was directed to forward the course information to the aforementioned employees.

The Commissioners gave updates on individual committee/board assignments for the week of May 15, 2023-May 19, 2023.

9. NEW BUSINESS

Commissioner Curtis asked if a Commissioner needed to follow up on a letter the Board had received regarding a landslide in Union Gap. Commissioner McKinney had asked Erin Franklin to forward the letter to Public Services staff to respond to the sender with contact information for the appropriate State and

Federal agencies; Erin confirmed that she had not yet heard back, but would follow up.

Commissioner Curtis asked when the encampment policy discussion might be able to continue. Joe Brusich stated that he had reached out to Corporate Counsel Don Anderson this morning to try to find out when he would be able to return to work. Otherwise, Stefanie Weigand could take this on as time allows. Julie Lawrence was directed to schedule another 45-minute discussion on this topic for the Work Session on Monday, June 12th.

Commissioner Curtis requested an update on the East West Corridor Project to rehash the funding sources and time projections. Julie was directed to reach out to County Engineer Matt Pietrusiewicz to schedule this for a Work Session in the next month or two.

10. ADJOURN

Commissioner Curtis MOTION: To Adjourn

Commissioner Linde SECOND

Motion Passes to Adjourn. Meeting Adjourned at 11:42 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