

**COMMISSIONERS' MINUTES
KITTTITAS COUNTY, WASHINGTON
COMMISSIONERS' AUDITORIUM
SPECIAL MEETING**

FRIDAY

1:00 P.M.

JUNE 5, 2009

Board members present: Chairman Alan Crankovich; Vice-Chairman Paul Jewell. Commissioner Mark McClain

Others present: Mandy Robinson, Deputy Clerk of the Board; Zera Lowe, Deputy Prosecutor; Skip Mynar, Executive Director.

PUBLIC HEARING

ADDS PROPOSAL

COMMISSIONERS

At approximately 1:05 p.m. Chairman Crankovich opened a continued Public Hearing from June 2, 2009 to consider disposition of surplus property located at 503 North Nanum Street Ellensburg, WA (pursuant to Kittitas County Ordinance No. 2009-04), noting the record was closed. He noted that Commissioner Jewell would be joining them shortly, as a previous meeting he was at ran over the predicted time.

Zera Lowe Deputy Prosecutor, reviewed the three questions she was asked to research: 1) "Would an exempted transaction sale to a bona fide nonprofit organization under KCC Ordinance No. 2009-04, which would not involve public auction, violate Washington law if structured so as to allow the nonprofit organization to purchase the property for a set dollar amount, payable in the value of public services to the County for a period of one year, with a provision that failure to provide such services would result in the nonprofit organization's liability to pay the value of such services to the County in cash for any remaining months of the term" 2) "If consummation of the type of sale described in question one, would not violate Washington law, what process should be followed to consummate the sale, including any deeds or contracts to memorialize the agreement" and 3) In considering a preferential sale to a nonprofit organization under KCC Ordinance 2009-04, must the County obtain an appraisal to determine fair market value before proceeding with the sale". She then reviewed the answers to the questions she was tasked with researching from the June 2, 2009 Public Hearing. She indicated the County is not authorized to consummate a sale but through quit claim deeds and an excise tax affidavit, it can be possible.

Commissioner McClain indicated that he had met with Ms. Lowe to get direction on this issue and it was suggested the property be put up for auction.

Commissioner Jewell questioned the potential of a cash offer in lieu of services. He proposed approximately \$60,000.00 worth of services.

Skip Mynar, ADDS Director reviewed what contracts they have with the County and what kind of funding is obligated to what types of services they provide including but not limited to staff time. Commissioner Jewell again proposed a \$60,000.00 cash value offer. Mr. Mynar explained that it was the impression he had received from his Board of Directors is that if this offer dies, they are done and that they have made their final offer. He explained that he is not sure anything else will work with them. He indicated that auction may be the only option.

Commissioner Jewell questioned when the property was surplus if it was their intention to give it to ADDS.

Mr. Mynar expressed his hesitation in going back to his Board regarding the new credit issue "road block".

Commissioner McClain reviewed the value in some of the programs that ADDS provides. He applauded the work of the employees involved in drug court and stressed the importance of the program. He indicated that the Board understands the need for space and efficient updated buildings. He stated that the County is at a junction where it needs to pick a path and stick with it.

Mr. Mynar stressed that if the County does keep the property they will have to deal with the City of Ellensburg's code expectations along with addressing the parking lot situation.

There was discussion on cash value offers and where its determined that they are considered a "gift" or not.

Commissioner Crankovich indicated that he is comfortable with the \$ 60,000.00 dollar offer. He stressed his support of what the County Drug Court program provides. He indicated that pending the direction the Board goes they have a big decision to make regarding the Morris Sorenson building's future.

Commissioner Jewell stressed the importance of making a decision sooner rather than later, noting that it would be his preference to get the property to ADDS.

Commissioner McClain indicated that it will either be the County's benefit or a benefit to ADDS however he is not interested in seeing the property go to auction.

Commissioner Crankovich explained that the idea was originally put together with the intent for ADDS to acquire the property.

Ms. Lowe stated there is no tangible evidence of what the ADDS Board will do. She stated that she understands wanting to make a decision and asked the Board if they had considered any other non-profits or if the County was interested in soliciting interest.

Commissioner Jewell indicated that it was his impression that the Resolution the County passed will allow for the County to set a price for a non-profit to make an offer. Ms. Lowe indicated that it is correct and explained the confusion she had when first reviewing the Resolution.

Commissioner McClain questioned Mr. Mynar on what the long term goals were for the property. Commissioner Jewell questioned the process of accepting an offer or offering a counter offer. Commissioner Crankovich indicated that he is interested in accepting the offer. Commissioner McClain indicated that he doesn't think the County is out of line asking for \$ 60,000.00 however, he felt that the offer from ADDS is not that far from the County's asking price as it is just under at \$ 54,996.00.

Ms Lowe stated that the location is good for the program however she felt the County needs to use some discretion in setting a price as it must be in the public's best interest.

There was discussion on the County benefit for ADDS being located at the Morris Sorenson building.

Commissioner McClain stated that the offer of \$ 60,000.00 sat well with the BoCC. He questioned if dropping it by \$ 5,000.00 was in the best interest of the public.

Commissioner Jewell indicated that it is his opinion that ADDS has saved the County a lot of money and provided big savings that the County will continue to benefit from.

Commissioner McClain moved to make a counter offer of \$ 55,000.00 dollars cash to transfer the Nanum property to ADDS. Commissioner Jewell seconded. Motion carried 3-0.

Mr. Mynar indicated that he felt this offer was something his Board would entertain and accept.

Commissioner McClain directed the Prosecutors Staff to prepare the necessary paperwork so that if the offer is accepted there won't be a need for a second meeting. Commissioner Jewell seconded. Motion carried 3-0.

Commissioner Jewell move to continue the meeting to June 9, 2009 at 11:00 a.m. in the Commissioners Conference Room #108. Commissioner McClain seconded. Motion carried 3-0.

Meeting adjourned at 1:50 p.m.

DEPUTY CLERK OF THE BOARD

KITTITAS COUNTY COMMISSIONERS
KITTITAS COUNTY, WASHINGTON



Mandy Robinson



Alan Crankovich, Chairman