

COMMISSIONERS RECORD 47  
FRANKLIN COUNTY  
Commissioners' Proceeding for December 6, 2006

The Honorable Board of Franklin County Commissioners met on the above date. Present for the meeting were Neva J. Corkrum, Chairman; Bob Koch, Chair Pro Tem; and Frank H. Brock, Member; and Mary Withers, Clerk to the Board. Fred Bowen, County Administrator, was absent to attend the IAFE Conference.

**OFFICE BUSINESS**

Secretary Patricia Shults met with the Board. Present in audience: Connie Koch.

Consent Agenda

**Motion** - Mr. Brock: I move for approval of the consent agenda as follows:

1. Approval of **Resolution 2006-587** congratulating the Connell High School football team on their accomplishment of playing in the State 1A Football Championship.
2. Approval of **Resolution 2006-588** for various inter-departmental transfers as identified to alleviate negative 2006 salary and benefit expenditure lines within Current Expense departments, due to 2006 Cost of Living adjustments.
3. Approval of **Resolution 2006-589** authorizing amendment of Franklin County Resolution 2005-529 and approving **Amendment A** to Contract Number 05-64005-040 for the Community Development Block Grant (CDBG) Planning-Only Grant for the Basin City Water and Sewer District, extending the contract end date from December 31, 2006 to December 31, 2007, and authorizing the Chairman to sign the Contract Amendment on behalf of the Board.
4. Approval of **Resolution 2006-590** re-appointing Sue Miller to serve another two-year term on the Aging and Long Term Care Advisory Board, with said term expiring December 31, 2008.
5. Approval of **Resolution 2006-591** appointing Charles Keltch to serve a two-year term on the Aging and Long Term Care Advisory Board, with said term expiring December 31, 2008.
6. Approval of **Resolution 2006-592** appointing Diane Bolin to serve a three-year term on the Aging and Long Term Care Advisory Board, with said term expiring December 31, 2009.
7. Approval of **Resolution 2006-593** appointing Dorothy Miller to serve an unexpired three-year term on the Aging and Long Term Care Advisory Board, with said term expiring December 31, 2008.

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Second by Mr. Koch. 3:0 vote in favor.

**VOUCHERS/WARRANTS**

**Motion** – Mr. Koch: I move for approval of payment of the following vouchers/warrants: Current Expense warrants 54128 through 54166 for \$20,512.56; Current Expense warrants 54167 through 54239 for \$55,034.18; and Law Library warrants 1008 through 1009 for \$5,806.37; for a total of \$81,353.11. Second by Mr. Brock. 3:0 vote in favor. (Exhibit 1)

**SHERIFF**

Sheriff Richard Lathim met with the Board. Present in audience: Connie Koch.  
Jail Contract with City of Pasco

Sheriff Lathim said we used 2005 jail days to figure the contract. We used the last completed year of data to do the new year's contract. He prepares his budget to turn in at the end of August/first of September. Then the City of Pasco reviews it. The 2005 figures are not that crucial because there is a reconciliation clause in the contract. The percent of use is the critical factor. The percent of use doesn't generally change dramatically but may change over the course of several years.

Sheriff Lathim anticipates that the City of Pasco will owe some additional funds to the county once the 2006 budget year is reconciled.

Mrs. Corkrum asked if there is any way we can build in replacement costs. Sheriff Lathim said we can negotiate that in the future. Mrs. Corkrum said the fund could be used for repairs as well as for construction/remodeling. Sheriff Lathim said if we don't build a new jail in the next few years, as the jail population continues to grow, at some point there might have to be booking restrictions put in place. He does not want to do that. That would push out the petty offenses and misdemeanors which is 45% of the operations amount received as revenue for the jail. The liability would also rise. Mr. Brock said we need to have a citizen's committee that understands the issues and tries to get it across to the public. Mrs. Corkrum said if a sales tax is put in place, everyone pays, whereas with a land tax only landowners pay. The Board members would prefer that a sales tax be used. Mr. Koch said we can start working on it after we receive

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the information back from the consultant. Mrs. Corkrum said we can also ask the Legislature for help.

### MINUTES

**Motion** – Mr. Koch: I move that we accept Commissioners minutes for November 29 and December 4, 2006. Second by Mr. Brock. 3:0 vote in favor.

### OTHER BUSINESS

#### Potential Contract with Port of Pasco

The Board asked that a meeting be set up to discuss a potential contract with the Port of Pasco for security.

### PROSECUTOR

Chief Civil Deputy Prosecutor Ryan Verhulp met with the Board.

#### Waiver of Conflict of Interest

Mr. Verhulp said Attorney Tim Klashke has requested approval by the Board of a Waiver of Conflict of Interest. Because he represents Franklin County in negotiations for the defense panel, he is required under lawyer rules of professional responsibility to also disclose circumstances when his firm may also be involved in something that has a separate interest to Franklin County. In this case his firm also represents the Port of Pasco and we will be in negotiations with them for law enforcement services. This is simply a notification. His firm has looked at it and doesn't feel there is any relation between the defense contracts and the Port contract, which a partner is handling. They don't feel there is a conflict of interest. Mr. Klashke has notified the Board by letter and asked the Board to sign it.

**Motion** – Mr. Koch: I move that we allow the Chair to sign the Waiver of Conflict of Interest. Second by Mr. Brock. 3:0 vote in favor. (Exhibit 2)

**Executive Session** at 9:34 a.m. expected to last 10 minutes based on RCW 32.30.110(1)(i).

**Open Session** at 9:50 a.m.

### VOUCHERS/WARRANTS

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**Motion** - Mr. Koch: I move for the payment of Current Expense warrants 54240 and 54241 for \$2775.00. Second by Mr. Brock. 3:0 vote in favor. (Exhibit 3)

**PUBLIC WORKS**

Engineer Tim Fife and Chief Civil Deputy Prosecutor Ryan Verhulp met with the Board. Present in audience: Connie Koch, Br\_\_\_ R\_\_tt of Delta Equipment, M. Jerry Herres of J.R.J. Services, Inc., John Stevenson of Delta Equipment, Tim Trzesniewski of Power Equipment Co., Joe Killmer of Western Integrated Tech, Jesse Gannon of United Rentals, and Van Fowers of Central Machinery Sales.

**Resolution: Weight Restrictions**

Mr. Fife asked for approval of a resolution that will allow him to set weight restrictions if needed.

**Motion** - Mr. Koch: I move for the approval in the matter of restricting gross vehicle weights and speeds on county roads, Resolution 2006-594. Second by Mr. Brock. 3:0 vote in favor.

**Bid: Two Flail Mowers**

Mr. Fife asked for approval to go into executive session. Mrs. Corkrum told Mr. Fife that she thinks we should do the recommendation from your office and staff in public session. Mr. Fife has not prepared a recommendation yet. He said he is not prepared to make a recommendation today. Mrs. Corkrum was hoping we could get it behind us. She asked, "When will you have a recommendation?" Mr. Fife is not sure.

Jerry Herres said if we had a bid opening for machinery and we had machines that didn't meet the specifications, then maybe we'd have a problem, but if we have machines that do in fact meet the specifications, why is there not an award? Somebody wrote the specifications for the bids and they accepted the bids so what's the delay?

Mr. Fife said it's my understanding that an irregularity has been pointed out. He said because of that, we've asked our prosecutor to review what options are available. Until we've had a chance to talk about those options, there is no sense in me giving a recommendation.

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Mr. Brock said when we open a bid, we never accept it at that time. We always wait until a recommendation is made. Even though it appears to be what we need, we don't accept it because we are not the experts. We don't have to take the Public Works office's recommendation but we wait for them to make their recommendation. He asked Mr. Herres, "Does that answer your question?"

Mr. Herres said, "I wasn't there. I'm not involved directly in the bid. If we have a bid opening and there is a time opening on the bid and it's spelled out by the law and there was an envelope that was opened after the deadline, is that bid lower than the lowest bid? No one has divulged that." He said we have a right to know according to state regulations. He asked is that the low bid? I guess we need to know the bid amount if you opened it.

Mr. Fife said everyone has a right to know. The bids are available at the Public Works office.

Mr. Fife said he was hoping to go into Executive Session to discuss the matter with Mr. Verhulp.

John Stevenson asked if the Board received the email he sent. The Board members said yes. Mr. Stevenson referred to two Washington Administrative Code (WAC) items regarding bids.

Mr. Stevenson asked what the earliest date would be for a recommendation from Mr. Fife, if it would be Monday. Mr. Fife said, "That's the earliest you're going to get a recommendation from me." Mrs. Corkrum said the matter will be considered again on Monday, December 11 at 9:45 a.m.

The seven men left the room.

**Executive Session** at 10:04 a.m. RCW 42.30.110(1)(i) expected to last 10 minutes.

**Open Session** at 10:16 a.m.

**Adjourned** at 10:17 a.m.

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There being no further business, the Franklin County Board of Commissioners meeting was adjourned until December 11, 2006.

BOARD OF COUNTY COMMISSIONERS  
FRANKLIN COUNTY, WASHINGTON

  
Chairman

  
Chairman Pro Tem

**ABSENT**  
Member

Attest:

  
Clerk to the Board

EXHIBIT 1  
*Franklin County Auditor*

December 6, 2006

1016 North 4th Avenue  
Pasco, WA 99301

ZONA LENHART, Auditor  
509-545-3840 • Fax: (509) 545-2142  
www.co.franklin.wa.us

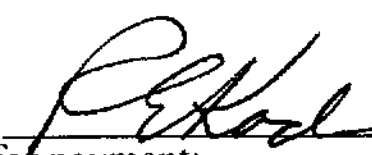
P.O. Box 1451  
Pasco, WA 99301

December 6, 2006

Franklin County Commissioners:

Vouchers audited and certified by the auditing officer by RCW 42.24.080, expense reimbursement claims certified by RCW 42.24.090, have been recorded on a listing, which has been sent to the board members.

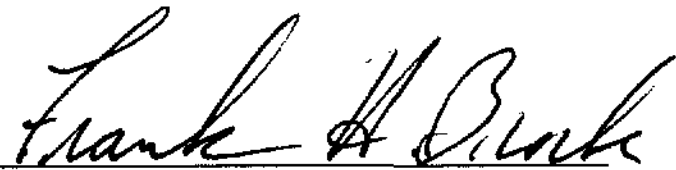
Action: As of this date, December 06 2006,  
Move that the following warrants be approved for payment:



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FUND Expenditures	WARRANT		Amount Issued
	From:	To:	
Current Expense	54128	54166	\$20,512.56
Current Expense	54167	54239	\$55,034.18
Law Library	1008	1009	\$5,806.37

In the amount of 81,353.11. The motion was seconded by  
And passed by a vote of 3 to 0



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Accounting  
545-3505

Elections  
545-3538

Recording  
545-3536

Licensing  
545-3533



**KUFFEL, HULTGRENN, KLASHKE & SHEA, LLP**  
*Attorneys at Law*

1915 Sun Willows Blvd PO Box 2368 Pasco WA 99302 (509) 545-8531 FAX (509) 545-3019

SM

November 28, 2006

Hon. Neva Corkrum  
Chairman, Board of Franklin County Commissioners  
c/o Ryan E. Verhulp  
Chief Civil Deputy Prosecuting Attorney  
Franklin County Prosecuting Attorney's Office  
1016 N. 4<sup>th</sup> Avenue  
Pasco, WA 99301

**Re: Waiver of Conflict of Interest  
Law Enforcement Services Contract between Franklin County  
and the Port of Pasco**

Dear Chairman Corkrum:

This letter is intended to address and resolve a potential conflict of interest that may exist arising from me representing Franklin County and Benton County in the pending process of negotiating and drafting the bi-county juvenile indigent defense contracts while my partner, Dan Hultgrenn, simultaneously represents the Port of Pasco ("Port") in the pending contract negotiations regarding law enforcement services at the Tri-Cities Airport (the "Contract").

This conflict of interest issue was raised and discussed with Franklin County Chief Civil Deputy Prosecuting Attorney, Ryan E. Verhulp and it is my understanding that he didn't have any problem or concern with the above-mentioned simultaneous representation of the County and the Port given that the subject matter of those respective matters are and will be fully independent and completely unrelated (i.e., the representation of the County during the negotiation and drafting of indigent defense contracts has no nexus or relationship to the representation of the Port in the preparation and negotiation of the Contract).

My partner Dan Hultgrenn has obtained a reciprocal written waiver of conflict of interest from the Port for purposes of allowing this firm (me) to simultaneously represent the County in the indigent defense contract matters.

Under RPC 1.7, this firm could not represent the County in the indigent defense contract matters if such representation would be directly adverse to either the County's or the Port's interests, unless we reasonably believe that the dual representation will not adversely affect our relationship with either party and all parties consent in writing after consultation and a full disclosure of material facts.



November 28, 2006

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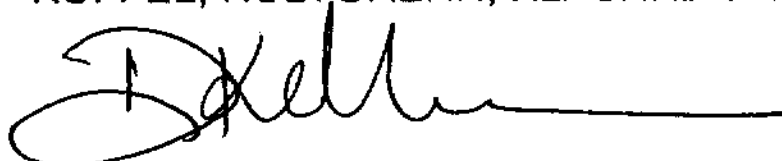
Similarly, under RPC 1.7, this firm could not simultaneously represent the County and the Port if such representation may be materially prejudiced or limited by our responsibilities to the other party, unless we reasonably believe that such simultaneous representation will not be adversely affected and all parties consent in writing after consultation and a full disclosure of material facts.

Under the circumstances, we do not believe that our representation of the County in the indigent defense contract matters and the Port in this fully unrelated contract matter will adversely affect nor materially prejudice or limit our relationship with, or responsibilities to, either the County or the Port given that, as mentioned above, the subject matter of the respective matters are fully independent and completely unrelated.

Accordingly, this firm respectfully requests that you, as acting Board Chairman, please indicate the County's approval and consent to the above-described proposed simultaneous representation of the County and the Port by signing this letter where indicated below and then arranging to have the signed original returned to this office. Thank you.

Very truly yours,

KUFFEL, HULTGRENN, KLASHKE & SHEA, LLP



TIMOTHY G. KLASHKE  
Attorney at Law

**REVIEWED AND APPROVED BY:**



Neva Corkrum  
Chairman, Board of Franklin County Commissioners  
Date: 12-06-06

**APPROVED AS TO FORM BY:**



Ryan E. Verhulp  
Franklin County Chief Civil Deputy Prosecuting Attorney  
Date: 12.05.2006

December 6, 2006

EXHIBIT 3  
*Franklin County Auditor*

1016 North 4th Avenue  
Pasco, WA 99301

ZONA LENHART, Auditor  
509-545-3840 • Fax: (509) 545-2142  
www.co.franklin.wa.us

P.O. Box 1451  
Pasco, WA 99301

December 6, 2006

Franklin County Commissioners:

Vouchers audited and certified by the auditing officer by RCW 42.24.080, expense reimbursement claims certified by RCW 42.24.090, have been recorded on a listing, which has been sent to the board members.

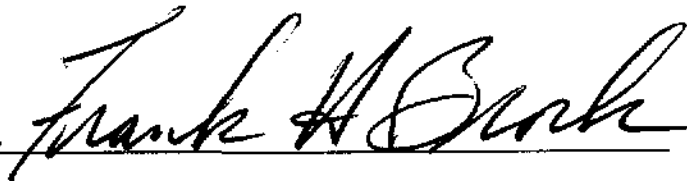
Action: As of this date, December 06 2006,



Move that the following warrants be approved for payment:

FUND Expenditures	WARRANT		Amount Issued
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In the amount of 2,775.00. The motion was seconded by



And passed by a vote of 3 to 0

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545-3505

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