

COMMISSIONERS RECORD 48
FRANKLIN COUNTY
Commissioners' Proceeding for July 2, 2007

The Honorable Board of Franklin County Commissioners met on the above date. Present for the meeting were Bob Koch, Chairman; and Rick Miller, Member; Fred Bowen, County Administrator; and Patricia Shults, Pro Tem Clerk to the Board. Neva J. Corkrum, Chair Pro Tem, was absent on personal business.

OFFICE BUSINESS

Consent Agenda

Mr. Miller had a question regarding item one on the consent agenda. He thought we had problems with Sunderland and thought they were cancelled. Is this a different agreement? Mr. Koch indicated Sunderland was having a problem with Carrie's (Huie-Pascua) thoughts of moving some beds around. He thinks maybe Ms. Huie-Pascua mentioned that Sunderland threatened to drop us.

Mr. Koch had a question regarding item two on the consent agenda. He thought they weren't doing any changes until they did all of them. Ms. Shults indicated she was told Mr. Bowen discussed the matter with the Board at the last Board meeting and it was approved to be placed on the consent agenda. Mr. Koch knew they approved the \$245. Mr. Bowen said they can hold that until budget time if that is what the Board desires. He wasn't thinking about holding it. It was only \$245. Mr. Koch stated that they held everyone else off.

Mr. Koch asked if Mr. Bowen had heard anything back from the departments regarding their revenue projections. Mr. Bowen indicated he's received a response from the Sheriff and Planning. District Court will respond today.

It was agreed to leave item two on the consent agenda, as they said changes would be made in July and this is July.

Motion - Mr. Miller: Mr. Chairman, I move we accept the Franklin County Board of Commissioners consent agenda for July 2, 2007, as listed:

1. Approval of **Resolution 2007-321** for an amendment #1 to extend Agreement #06/07-CMH-SFTS between Sunderland Family Treatment Services and Benton-Franklin Counties for a period of three months to provide community mental health services for 2006-07, to revise the federal block grant funding provision,

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- with said term expiring September 30, 2007, and authorizing the Chairman to sign on behalf of the Board. (Exhibit 1: Information sheet)
2. Approval of **Resolution 2007-322** for an intra budget transfer in the amount of \$245 from the Non-Departmental Budget, Number 001-000-700, line item 519.90.10.0001 (Contingency Reserve) to the Capital Outlay Budget, Number 001-000-710, line item 594.15.64.4802 (Investigator Vehicle/2006 Ford Ranger).
 3. Approval of **Resolution 2007-323** for an amendment between the Division of Alcohol and Substance Abuse (DASA) and Benton-Franklin Counties to extend Amendment Number 0563-73229-05 by two months, effective through August 31, 2007 with an addition of \$317,844 to the original DASA agreement, and authorizing the Chairman to sign said amendment on behalf of the Board. (Exhibit 2: Information sheet)

Second by Mr. Koch. 2:0 vote in favor.

Juniper Dunes

Mr. Bowen asked Mr. Koch if he had spoken to Douglas County Commissioner Mary Hunt regarding setting the meeting with Jim Hughes, Bureau of Land Management (BLM). Mr. Koch indicated July 13 at 11:30 am.

Mr. Koch indicated he received a telephone call back from Barb Lisk, Doc Hastings' staff assistant in Pasco. He won't be here Monday to go on the road trip with Mr. Hastings and County Engineer Tim Fife won't be here either. He suggested Mr. Bowen and Matt Mahoney from the Public Works Department go on the road trip.

Mr. Bowen said they have landlocked property and we're looking for funding to obtain right-of-way and build an access into Juniper Dunes.

Sharon Paradis and Pat Austin joined the audience.

Mr. Koch would like to get a 1:30 pm meeting with Doc Hastings office while he's back in Washington, DC, to bring him up to date as far as what BLM has to say.

Vouchers/Warrants

Motion – Mr. Miller: Mr. Chairman, I move for approval of the vouchers as listed in the amount of \$472,838.06: Capital Outlays ¼% Tax warrant 246 for \$4,545.63; TRAC warrant 461 for \$9,091.25; Jail Commissary warrants 2347 through 2351 for \$6,026.12; Auditor O&M warrants 430 through 431 for \$275.17; TRAC warrant 462 for \$926.92;

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Current Expense warrants 57775 through 57781 for \$4,016.38; Courthouse Renovation warrant 537 for \$63,916.58; Liability Reserve Fund warrant 27 for \$250.00; Grand Old 4th warrants 148 through 151 for \$14,920.81; 2nd Quarter % Excise Tax warrant 1 for \$6,040.63; Ending Homelessness warrant 6 for \$7,385.28; Current Expense warrants 57782 through 57792 for \$161,355.86; Franklin County Public Facilities Construction warrants 805 through 808 for \$16,995.41; Franklin County Capital Projects warrants 277 through 304 for \$71,048.54; Current Expense warrant 57793 for \$2,125.00; and Current Expense warrants 57794 through 57818 for \$103,918.48; for a total of \$472,838.06.

Second by Mr. Koch. 2:0 vote in favor. (Exhibit 3)

JUVENILE JUSTICE CENTER

Juvenile Justice Center Administrator Sharon Paradis and Superior Court Administrator Pat Austin met with the Board.

Adult and Juvenile Drug Courts

Ms. Paradis indicated they would be back before the Board July 11 to explain more in depth the match drug court funding application that Senator Delvin was able to obtain in the state budget for the next two years, for adult and juvenile drug court. Those dollars are \$200,000 per year, a total of \$400,000, split between the two drug courts. Those dollars are going to flow through CTED (Community, Trade, and Economic Development). They received the application from CTED last week that needs to be moved through as quickly as possible. The deadline is July 16 for the application and must be signed by those with authority to sign contracts. Usually they have the Board sign just the contract and not the application. She wanted to make sure the Board understood the process. She said Sarah Carey's perception is that the dollars associated with the contract and application process are binding, with the counties saying they will match the dollars to keep the drug courts going for two years. She wanted the Board to have the opportunity to understand that and think about it before they brought the application in for signature. She asked the Board if they had any questions.

Mr. Troy Woody joined the audience.

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Mr. Bowen had a question. He didn't realize we had match dollars on the drug court. Do we? Ms. Paradis indicated this contract does require a 50% match in dollars from the counties. Mr. Bowen asked, did we budget that in your budget, the match dollars? Ms. Paradis indicated yes, more than that. Franklin County actually budgeted to fund the entire program to the end of the year, as we only had state match guarantee to the juvenile court through the end of June. This actually increases the state dollars. So in effect it will reduce the counties' obligation. Benton County's take was that what it really does is help support the match through the first six months of next year.

Ms. Austin explained that adult drug court hasn't had any contributions from the state until now. Franklin County fully funded it for the entire year, so this would give some relief. The problem is the state is on a fiscal year and we are on a calendar year, so at some point it catches up. So you need to commit out two years.

Mr. Bowen said it sounded like we were already committed. Ms. Paradis stated, you certainly are for this year and next year we have some offset with state dollars. We're relatively in good shape.

Ms. Austin stated that the monies received for these six months will actually give us some carryover for the next six months, January through June, and we will have match for that time, so we look at 50% match for 2008 for July through December. We would go into 2009 the same way.

Mr. Bowen stated he would forward some information he received in Walla Walla (while attending the Washington State Association of Counties conference). An economist did a complete study on drug courts and how much it saves versus locking somebody up. There was cost savings involved.

Ms. Paradis stated that the Washington State Institute for Public Policy did an evaluation of drugs courts as well and saw a cost savings. They also looked at a variety of other things in juvenile court

TRAC

TRAC General Manager Troy Wood met with the Board.

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Executive Session for personnel matter to last approximately 20 minutes, based upon RCW 42.30.110(1)(g).

Open Session at 9:32 a.m. Mr. Koch announced that executive session concluded with no decisions made.

Service Charges

Mr. Woody said they have talked about minimum wage issues before and its impact and whether we can continue to keep people at minimum wage, because now minimum wage is what we start with. That's starting to become a bit of a challenge, but clearly we can't just give everybody a raise. We have to figure out how to afford that.

In our business model there are a bunch of things I could do. I could raise the room rental, I could raise the menu prices, or I could come up with an additional fee that is within the structure. In this case, what I would like to look at is called the "service charge," a standard within the industry. Everybody in our marketplace charges it now. In most cases, the services charges are split between the house and employees. So at the hotel for example, it's an 18% service charge: The hotel keeps about 12% and the rest they throw into a pool and that pool gets split to employees. Now we clearly can't do that as a county. In the convention center model they do a service charge that all goes to the house. It's no different than any other funding source. However, because of that funding charge, they pay their servers \$12 an hour. It can be related but it doesn't have to be, it's really just a revenue source. Chief Civil Deputy Prosecutor Ryan Verhulp has confirmed that we can do a service charge as long it is normal and definable, which it clearly is, and it is an industry standard. So that's no problem. In his (Mr. Verhulp) initial look, this money should be put into the general fund because our employees can't benefit, which Mr. Woody completely disagrees with. He's sure we can reach resolution on that because it's no different than room rental. We don't put room rental into the general fund nor do we put food and beverage sales into the general fund nor do we put audiovisual charges in the general fund. So in his mind it's fairly clearcut. It's just an additional revenue source for TRAC. We could choose, as a county, to spend that extra money however we want. That's his strategy. He asked the Board if that made sense.

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Mr. Miller asked, what would that do to your sales and the people coming in? Anything? Mr. Woody said, good question. Right now it is a clear selling advantage for us to say we don't have a service charge. Everybody in town is charging 15% and up. We get to say zero. There's no question it's a sales advantage and his strategy would be to go as low as he thinks they can go and afford to do what we need to do. So maybe it's a 5% service charge because he doesn't want to go 15% or 18%. That would be a big loss of our advantages.

Mr. Miller asked if it was working now. Mr. Woody asked, the payroll? Mr. Miller stated yes. Mr. Woody said they are starting to feel the effects. He gave a couple of examples: in the last two weekends we had four call-offs on the first weekend and three call-offs on the second weekend. Both of those people called and said I'm not coming in because my other job called and I get \$9 an hour or \$9.50 an hour or whatever that number is so I'm going there instead because those people have adjusted for minimum wage, where a year ago we were both paying them \$8/\$8.50 so it was whoever called first. Mr. Miller stated, so if you pay them \$12 it will be a priority for them. Mr. Woody said absolutely. You become first on their call list, not third or fourth. And clearly we're not competitive. Our servers are making \$8.50, our key servers are making \$10 after they pass certain tests, and there is nobody making less than \$10 in the market. Nobody!

Mr. Miller asked, those people that call in, can't you use that against them and put them at the bottom of the list? Mr. Woody said, yes, but who are you going to replace them with? They may go the bottom of the list but your list keeps moving. You have a banquet for 400 and you have to call in ten experienced servers and you've got three left on your list.

Mr. Woody stated that to some degree he faults them but then again he fully understands. If I'm working three jobs trying to feed my family and I've got that kind of wage disparity, he's going to do it too. We know it's an employees' market and has been for some time now. It's not like the old days. When somebody used to do that you let them go, saying, I've got 30 people waiting in line. I don't have 30 people waiting in

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line. He indicated he needs to do some more homework but he wanted to make sure the Board was up to speed. Clearly legal counsel agrees that it is a perfectly legitimate charge. It's very definable and it's not an issue so his next steps are to make sure he (Mr. Verhulp) agrees it's not a general fund revenue source, then really do some math on those food and beverage revenues to see how much revenue does 5% generate and then how many employee hours if we go to \$9 an hour. Is it an offset?

Mr. Bowen said, it seems to me if you do a service charge and you were to offset and now you can pay them \$9 instead of \$8.50, it's a launch. Mr. Woody agreed. Mr. Bowen said it would be an increase in revenue but also an increase in expenditures. It won't cost the county any more and he has no idea why Mr. Verhulp thinks that needs to go into the general fund.

Mr. Koch stated he's (Mr. Verhulp) thinking of TRAC's position in the county. Mr. Woody said Mr. Verhulp is making the connection that you want to increase the service charge so you can give your servers more money, therefore, it's a gratuity. But no, it's not. It's an hourly wage change. And we're figuring out a funding source to help offset that. He understands what Mr. Verhulp is thinking, he's just connecting too many dots.

Mr. Koch said if Mr. Woody comes up with a funding source it would just go back into the TRAC budget. It's like any other revenue they bring in. It's just a revenue generating source. Then you need to figure out what you plan to do with it. Mr. Verhulp is trying to tie the service charge directly to the employees.

Mr. Woody agreed. They're not taking that service charge money and putting it out in payroll. The service charge money is going into the big pool with everything else and on the other side we've giving this job code department a raise.

Light Fixtures

Mr. Woody called the Public Utility District (PUD) and asked them how we could save money and energy. Their first recommendation, the biggest thing for the buck, was changing all the lights in the expo and arena. There are a lot of them. Our issues with those two lighting sources now are that they're not dimmable, especially in the expo hall.

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It's either on or it's off. Also, they're not instant on or off. So if you have any events such as the barrel race and the wedding they had a month ago, they want the lights off and then when people come in we're going to turn the lights up. Well, it doesn't work that way. It takes ten minutes. They're popping and making noise so it's not very conducive lighting. Those fixtures also are not very energy efficient. They've been through about five rounds of this and three companies are bidding. An estimate for the materials, if we did the install ourselves, is about \$39,000, but the rebate from the PUD is almost \$20,000. So it's a pretty sizeable rebate. He then figured out what it would cost for the lift rental for the electrician to hook up the dimmer panels and they estimated the energy savings and the dollars per year would be a 2.9 year payback. So we put out \$26,000 on a \$39,000 project and in three years you have it paid back in energy costs. The arena lights that hang over the bleachers would have cages and be exposed everywhere else. The expo lights would all have clear covers over them and the center two rows would be dimmable. So you would shut everything down and bring those center two rows up to whatever light level you wanted. They're instant on/off and they're florescent.

One thing he's being told by a new company is that we don't want dimmable florescent lights. It's a terrible light. Rob, the electrician, agrees with that statement. So he's doing some homework and we're actually going to put one up so we can see what a dimmable light looks like. That's the first step. If it doesn't work, Rob is suggesting we could run string lights across like we have now in the expo hall. We would run cable across and put bulbs up. We could move the cable up so it's out of the way and do that all the way through and save a ton of money because dimmable ballasts are three times the expense of a regular ballast and you have to have two per fixture. This may be an alternative. He was hoping to be installing by now, but nothing has gone smooth on this project. He'll do a little more homework and come back to give the Board a recommendation.

Mr. Ryan Verhulp joined the audience.

Signage

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Mr. Miller stated he knows they're expensive, but big lights saying what's going on located either by Cousin's Restaurant or by where the car show was held would attract more people. Mr. Koch said there are regulations against that. Mr. Woody stated they would have to put it where a stop sign is and they would have to do it about the size of the one on the freeway, which we know is about \$100,000. He couldn't agree more.

Mr. Woody stated he's running into more issues with the City of Pasco, as they're changing the rules regarding the traffic signs. They used to put traffic signs out when they had a special event. During the last car sale, the city staff cut the banners down and Mitch Nicholds from the City of Pasco towed the sign. Mr. Woody is asking the city for a waiver to allow TRAC to continue to do that. In the long run when we ever get to this arena conversation, when we sell the arena sponsorship, that becomes part of that money. Let's get somebody to write us a check and we can go fix all these signs in one shot. That's your first year's lease, if you will. Ultimately, we will have to fix that. You have a parking lot full of cars. How is anyone going to know it's a car sale? It looks just like it did when the Jehovah Witnesses were there the week before, except there are some balloons. Beyond the balloons, you have no idea what's going on there. So he concurs.

PROSECUTOR

Public Hearing: Amend Ordinance 8-99 and Increase 0.08%% Rural County Sales and Use Tax Used for Economic Development to 0.09%

Chief Civil Deputy Prosecutor Ryan Verhulp met with the Board.

Mr. Verhulp asked the Board to advise him when they would like to take the public hearing for testimony for and against amending the ordinance.

Mr. Koch stated it was 9:45 am. We are here for a public hearing to take testimony for and against amending Franklin County Ordinance 8-99. Present are Commissioners Miller and Koch, County Administrator Fred Bowen, Chief Civil Deputy Prosecutor Ryan Verhulp for legal advise, and Pro Tem Clerk to the Board Patricia Shults.

Mr. Verhulp presented two copies of an ordinance for Board approval increasing the rural county sales and use tax used for economic development from 0.08% to 0.09%.

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Mr. Koch stated that because no one was in the audience, he would forgo the for and against portion of the public hearing and asked if the Board had any questions.

Mr. Miller stated he had no questions.

Motion – Mr. Miller: I move that we accept the Ordinance (Number 4-2007) increasing the 0.08% rural county sales and use tax used for economic development to 0.09% and amending Franklin County Ordinance 8-99. Second by Mr. Koch. 2:0 vote in favor.

Fire District

Mr. Verhulp explained he has been working on the notice of public hearing on the petition for formation of a fire protection district. He's been working with Ms. Shults and what he has here today is a resolution that would publish and post notice of the public hearing, setting the time, date and place. Included with the resolution is the actual notice of a public meeting, whereupon this particular notice would have a public hearing before the Board on July 25 at 9:45 am to take comment for and against formation of the fire protection district. With that, he presented three copies for signature. The cover sheet is the resolution requiring their signature and a couple pages back is the notice to publish the public hearing that will also require Board signature. Ms. Shults will then publish in the Franklin County Graphic newspaper.

Mr. Koch stated this part just establishes the ballot for formation of the district. Mr. Verhulp said exactly, this just sets forth the notice to the public that the Board will be considering whether to form a district, which would then later be put on the ballot. That would be through a whole new resolution. This is just the first step of giving notice that the auditor and the Board have received the request or petition for the fire district to be formed and you're providing notice to the county residents to come in at a set time on July 25 and comment.

Mr. Koch asked if they will have enough time to get it on the ballot by August 14. There was discussion regarding the deadline and it appears there will be sufficient time for it to be placed on the ballot. This notice will be published three consecutive weeks prior to July 25, which satisfies the statute.

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Mr. Verhulp asked what the August 14 date was. Mr. Koch said that was the deadline for them to get it on the ballot for the November 6 general election. There was additional discussion regarding meeting the requirements necessary. Mr. Koch said there are more things involved: There's a ballot to form the district, a ballot for funding the district, and probably a third one to pick commissioners. Wasn't that the way we did Basin City water and sewer district? Just because you form a district doesn't mean that it's funded without a vote.

Mr. Verhulp stated at this point he hasn't given the next steps a thought. What we did here is you have to act upon this within a 20- to 40-day period. That's why we've gotten this scheduled as is, to comply with the 20- to 40-day requirement.

Motion – Mr. Miller: I move approval of notice of public hearing on the petition for formation of a fire protection district per RCW 52.02.070. Second by Mr. Koch. 2:0 vote in favor. This is Resolution 2007-324.

Insurance

Mr. Verhulp mentioned that County Clerk Mike Killian hired Michelle Dolven as his court and clerk facilitator. The Board may have already approved the contract. Mr. Verhulp spoke to Commissioner Corkrum already. Previously many of the contracts we've had with court or clerk facilitators who are basically assistants to the court or the clerk on certain types of cases had no insurance requirement in the contract in terms of error and omission insurance. He did note up to \$250,000 of insurance requirement in the contract for Board approval so this is an improvement to what we used to have. In the event a mistake was made by our contractor Michelle Dolven and she got sued and the county was named, she would have insurance that would cover the county. If it comes to a point we feel higher limits are necessary, then we can always require those limits to be raised.

Potential Litigation

Executive Session at 10:05 expected to last less than ten minutes, based upon RCW 42.30.110(1)(i).

Open Session at 10:12 am.

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Mr. Verhulp told the Board he would review the election ballot statutes and get back to the Board with his findings.

Recessed at 10:13 am

Reconvened at 10:20 am

PUBLIC WORKS

County Engineer Tim Fife met with the Board.

Vouchers

Motion – Mr. Miller: I move approval of vouchers for County Road Fund for \$367,987.24 and Motor Vehicle/Public Works Equipment Fund for \$25,655.55. Second by Mr. Koch. 2:0 vote in favor. (Exhibit 4)

Invitation to Bid: CRP 592 – Gravel Road Paving Upgrades, Group 2

Mr. Fife explained the invitation to go to bid for Group 2, which is Fraser Drive, Bellevue Road, Birch Road and Brewster Lane, and we're putting several alternate bids in also. One of them is using grindings as the base instead of rock.

Motion – Mr. Miller: I move we accept the Invitation to Bid: CRP 592 – Gravel Road Paving Upgrades, Group 2. Second by Mr. Koch. 2:0 vote in favor. (Exhibit 5)

Acceptance of Quail Run Road as County Road

Motion – Mr. Miller: I move approval of acceptance of Quail Run Road as shown in the final plat of Quail Bluff and declaring it a county road. Second by Mr. Koch. 2:0 vote in favor. This is Resolution 2007-325.

Department of the Army Amendment Number 1 to Lease W912EF-1-04-12

Motion – Mr. Miller: I move approval to authorize the Chairman to sign the Lease Agreement with the Department of the Army, Amendment Number 1, Lease W912EF-1-04-12. Second by Mr. Koch. 2:0 vote in favor. This is Resolution 2007-326 which amends Resolution 2004-159.

Franklin County Urban STP Selection Committee Appointee

Mr. Fife asked the Board who they would like to be appointed to the Franklin County Urban STP (Surface Transportation Program) Selection Committee. The agreement states there will be one representative from each entity. The meeting is

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scheduled for July 19, 2007, to go over the projects. Mr. Koch said as far as he's concerned, Mr. Fife would be the one to do it, because you have the knowledge. Mr. Fife said Franklin County is the lead. Mr. Koch stated that Mr. Fife would be the lead for Franklin County.

Juniper Dunes

Mr. Fife asked the Board when they would like to get together to visit the Juniper Dunes area. Mr. Koch indicated 2:30 pm this afternoon would work. Mr. Bowen and Mr. Miller concurred their availability.

AUDITOR

County Auditor Zona Lenhart met with the Board.

Vendor for Recording Software

Ms. Lenhart notified the Board that they selected another vendor for recording software. They will be switching from Eagle to a company called Aptitude Solutions. It will address a lot of concerns we have relating to the management of documents on the internet and also documents that need to be masked, specifically that deal with Social Security numbers and birth dates. It was a hard decision to make because Eagle has been our vendor for about ten years. In checking with other counties in this state and in Colorado where Eagle is heavy into as well, there have been a lot of problems with their new product. Whitman, Clark and Thurston Counties have had real issues with what they say the product does versus what it really does and doesn't do. Ms. Lenhart was surprised to see that Benton County went with them because Benton County Auditor Bobbie Gagner sent an email out last week talking about how she had big concerns.

Elections Remodel Project

Ms. Lenhart indicated she hasn't read the letter she received from Mr. Bowen regarding the Elections remodel. The auditor's office is still working with the architect on the project for the remodel. She knows there have been some changes from the standpoint of input that Facilities Director Chris Giles has given her, specifically the problem with the roof, as there was a bubble created in the ceiling. She asked Mr. Bowen if Mr. Giles spoke to him about this issue. It may or may not have asbestos in it. They

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may have to deal with that issue. Mr. Bowen did say Mr. Giles said something to the effect that there may be asbestos. It would be safe to assume there is asbestos. Ms. Lenhart isn't sure what that would do. Mr. Bowen stated it would drive the cost up tremendously. Ms. Lenhart said that wasn't calculated into the remodel costs because the roof hadn't leaked at that point. Mr. Bowen said as long as you're not tearing it out and you can encapsulate it, it should be fine. When you start tearing it out, then you have to take care of it. Ms. Lenhart said then there is no reason to tear it out. Mr. Bowen indicated he would discuss it with Mr. Giles.

Mr. Bowen explained what his letter entailed, that Facilities didn't have the personnel available for the Elections project and to move forward with the blessing of the Board and to follow all the policies in place for the Small Works Roster. Ms. Lenhart had a question about the Small Works Roster. Mark (Preston) did work for them in 1998 and again in 2001. She knows he was on the Small Works Roster but doesn't know how long they stay on the list. Mr. Bowen explained the list is purged every two years. Ms. Lenhart stated she needed to get him on the list. Mr. Bowen explained that he (Mr. Preston) is an architect and you can't solicit proposals from architects. You can only hire off of qualifications and those you have to advertise. You have to advertise for architects, land surveyors and engineers. You have to run an ad and ask for an RFQ (request for qualifications.) Ms. Lenhart asked if there were examples. Mr. Bowen indicated examples will be provided by commissioner's staff.

Commissioner Boundaries

Ms. Lenhart indicated she will present a map for commissioner boundaries later today in a workshop session. She's within about 400 (population) for each district. She's tried to keep it as equal as possible. She tried to get Mr. Koch all the way to Road 68 but had to back out of that a little bit. You (Mr. Koch – District 2) wound up being the biggest. Mr. Koch agreed, ground-wise. Ms. Lenhart indicated even with population he ended up the highest. She tried to get all three commissioners within a good heavy base of the City of Pasco as well as a good heavy base of development areas. She's not where

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she would like to be for the growth but it's as good as it's going to get for the population part of it. She stated that everybody stays in their district.

Chris Giles joined the audience.

You living where you live, Rick (Mr. Miller), makes it hard because you're right there where that growth area is. It makes it difficult to move west with his district.

Elections Remodel (continued)

Mr. Bowen indicated Mr. Giles had joined the audience and asked him about the roof and asked if the asbestos needed to be removed. Mr. Giles stated that if they do find asbestos up there, they do have a responsibility to take care of it. Mr. Bowen stated if you can encapsulate it you wouldn't have to take it out, but if you disturb it then you do have to take it out. Mr. Giles stated that since we already have water damage and the drywall is not in the best condition, we would need to re-drywall the ceiling. If we need to do any electrical in that area then we would need to remove the asbestos.

Mr. Bowen asked what the asbestos was in. Mr. Giles said probably the insulation. He indicated that when he was talking to Ms. Lenhart it was all hypothetical. Ms. Lenhart said it still is hypothetical.

Mr. Bowen indicated the thing to do is to get a hold of Greg McCary with All Safe Abatement and test it first.

Ms. Lenhart asked Mr. Giles if asbestos was in the ceiling. He indicated it was. Also, it may be in the floor tile. Ms. Lenhart stated they didn't plan to disturb the floor tile. Mr. Giles stated that they didn't plan on disturbing it at the annex, but it was disturbed. He said old VCT (vinyl composite tile) was coming out of the carpet.

Ms. Lenhart stated that everything in there is concrete floor with the exception of the Recording office part and part of that is still concrete floor and the other half is the new linoleum. We don't anticipate moving any of that. We're going to make use of the carpet and linoleum. She's not sure if they have to put in a new electrical panel. She won't know until they talk to the air conditioning guy. Mr. Bowen asked if she was going to need those high ceilings. She indicated the plan was to drop the ceiling. Mr. Bowen said if you can fix the hole in the roof without messing with the asbestos, he doesn't

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understand. Mr. Giles indicated he told Ms. Lenhart it all depends on what they get into because it is a remodel. If there is some electrical that you have to demo, we're now required by code to pull all the old wires out. What it comes down to is how much will they have to disturb it.

Mr. Bowen stated we have to do what we have to do. Let's find out if there is asbestos up there and find out what we're up against. If we don't have to disturb it, then we'll leave it. But if we have to, we'll just take it out.

Ms. Lenhart stated she will find out if they need to do an electrical panel. The wall the panel would go on does not have sheetrock. She indicated the grant is for only \$113,000, so she has to stay within that dollar amount. The only thing that would exceed the amount would be the asbestos issue. In that case, that is something that would be part of the building itself, the actual structure of the building. But let's not cross the bridge until we come to it.

Mr. Koch asked how much the grant was for. Ms. Lenhart indicated \$113,000. When they went out for the original proposal, they had to use Mark Preston because with the HAVA (Help America Vote Act) money you weren't sure what you were going to get or what they would allow. They were hesitant to say they would give us any money for capital improvements because they feel it is the responsibility of the county to maintain their building. But in fact, she found you out they did give capital money to King County and another county. Because of that, it was significant, they thought that they should try for anything they could get for our building, but they had to talk with Mark Preston because they had to have some kind of a cost analysis done. They couldn't just shoot it out of the air. They had to come up with something and he was willing to do that knowing that he may not get any money for it if we didn't get a grant. She thought that was very nice of him. So he came up with the \$113,000 based upon the things we wanted to do to the building at the time and that's changed because we didn't get the original space. So they had to go into an additional space but he still held the cost at about that but with very limited construction issues.

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Mr. Bowen indicated the problem he has is not with what she's doing. He has only so much capital project money set aside for certain projects and they already have a list of projects that has been pretty much approved. The biggest challenge he has is getting WSU Extension back up here to the Courthouse area. We have the building across the yard that needs to be remodeled and the portable that needs to be taken out of here and every dollar is accounted for. Last week when he talked to the Board, he told them they would need to decide which ones would not get done. They've already eliminated the parking lot at TRAC. That was a \$650,000 item so we could put some money towards the software for Recording. The painting of the Public Safety Building will start up any time. That ran twice as much as originally estimated as they found lead paint. So when you're talking lead and asbestos, you might as well throw \$20,000 to \$30,000 to \$50,000 on top of everything.

Ms. Lenhart indicated that the stains Mr. Giles was talking about on the sheetrock were prior to the repair when they went down to the building. Remember when they came in and did repair work? That leaking occurred then. Since that time, they haven't had any additional leaking. So she thinks it is remedied but how do you know with a roof. Mr. Bowen said that unfortunately that roof needs to be replaced and he's sure there is asbestos in the roof. Unfortunately, there is no money in the budget for this replacement.

Ms. Lenhart said this is my plan, and Mr. Bowen, you can tell me if I'm on target. She's going to do what she can do with the \$113,000. She's going to push it as far as she can push it. From what she's found out she won't be able to do the entire project. She will need to come back before the Board to look at it down the road for what we can do to move forward with the project

Mr. Bowen asked, you mean scheduling it out a couple years? That would probably be the best way to go. Unless the Board has the money to take away from one and give to another, there's no money there. There are just too many projects.

Ms. Lenhart said that's the way she's going to work, from that perspective. Mr. Bowen said he thinks the county in general should work in that perspective. He has Mr. Giles

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working on a three- and five-year capital improvement plan. So if they could get it in the plan, which we've never had before, then you can say next year these are our projects and within three years this is where we want to be and in five years this is where we want to be. We've been doing pretty good for not having a capital improvement plan but it's just time we start scheduling.

Commissioner Boundaries (continued)

Mr. Miller asked Ms. Lenhart if she had more than one map. Ms. Lenhart said she only had one map. Mr. Miller asked, do you have statutes? Ms. Lenhart said absolutely. Mr. Miller asked, how about from the lawsuit prior to that, where the hearing and the judges ruled? Ms. Lenhart said she didn't have that information but the commissioners probably have that information somewhere. Mr. Miller indicated he could get it on the internet.

Mr. Miller stated his concern was that they get...I don't know how you get it...I guess just look at the map. Ms. Lenhart indicated she'd given it to Dann Borden in Information Services Department and she hopes she will get it back in time. If she doesn't get it back from Mr. Borden in time, she will bring a rough draft. But other than that, it's basically equal in population at this point, not exactly equal but a lot closer than 50% per district.

Mr. Miller said that was the problem they had with the hearing they had on the lawsuit in 2004. It was not population, not necessarily the main factor. It has to be represented and he can't remember the word they used but center, equal distance. Are you familiar with equal distance? Ms. Lenhart stated the statute isn't that convoluted in terms of how a judge perceives that but she will have a copy of the statute and you can move forward off of that.

Mr. Miller said he was like her. He wants to avoid any possible trouble coming up if there's any. Mr. Koch said if you follow the statute what problems can arise? Mr. Miller said, your interpretation of the statute on what a judge stated earlier in that lawsuit. That could be a problem. Any time you have a lawsuit and a judge, you have a ruling and that's precedence.

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Ms. Lenhart stated that situation evolved into what we have today, a district that is so far out. Mr. Miller stated that may be the name of the game. It's got to represent different areas. Ms. Lenhart stated it needs to be equal. If you think of a pie and a center, with Road 68 as being that center, we have all those districts coming together there. You have to draw a line somewhere. Mr. Miller reiterated, Road 68 is the pie and that's the center and all the districts coming into that. Ms. Lenhart said yes, the three districts are coming into that area. That's where the development and the growth is.

The Board will review the potential boundaries in detail at this afternoon's workshop. Mr. Miller stated there would be future growth so he still thinks they need to represent an equal amount of the area. Ms. Lenhart said what she tried to do is wind up with you having not just a part of the City of Pasco, but in terms of, if you look at the demographics of it, that you're representing the same type of people in that City of Pasco as Bob (Mr. Koch) does. So she's pulling some areas down into the City of Pasco that are maybe lower income for you (Mr. Miller) that you really didn't have before. Bob (Mr. Koch) had it predominantly and Neva (Mrs. Corkrum) had it and so now she's trying to get some of that into your area. Here again, equal in all things. Again with the development, I really tried to get Bob (Mr. Koch) moved out to Road 68. She had to back off of that because he has some part of Sun Willows and that area just north of Burden Boulevard. It's developing but it won't develop to the extent that Road 68 area that you still have will. That's why she tried to get Commissioner District 2 to Road 68 because the area she wanted to have for him, that I wasn't able to keep for him, dealt with a lot of development in the next three years along I-82, on both sides of the highway where TRAC is located. Bob (Mr. Koch) would have taken in TRAC as well as the area south of the highway down to Argent. She wasn't able to get that for him. She had to take that away.

Mr. Koch said they would work on that this afternoon during the workshop. Ms. Lenhart stated she would come up with a second map, but not today.

COUNTY ADMINISTRATOR

County Administrator Fred Bowen met with the Board.

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Community, Trade and Economic Development (CTED)

Mr. Koch asked if the proper people received the CTED application for Clarktown (water/sewer district). Mr. Bowen said he read that letter this morning and he was going to call Mike Corcoran with Benton-Franklin Council of Governments (CoG). He assumes they will take it over to Harms & Associates, which they've done before. They've been handling all of it; we're just a go-through.

Bid Award for the Franklin County Courthouse Security Project

Mr. Bowen recommends the bid be awarded to Zeigler Construction at \$1,392,000, and that includes sales tax, which is 11% less than the architect's estimate for the Franklin County Courthouse Security Project.

Motion – Mr. Miller: I move we accept and award the bid for the Franklin County Courthouse Security Project to Zeigler Construction for \$1,392,000, including tax, which is 11% less than the architect's estimate. Second by Mr. Koch. 2:0 vote in favor.

(Exhibit 6)

Adjourned at 10:58 am.

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There being no further business, the Franklin County Board of Commissioners meeting was adjourned until June 9, 2007.

BOARD OF COUNTY COMMISSIONERS
FRANKLIN COUNTY, WASHINGTON

Chairman

Chairman Pro Tem

Member

Attest:

Clerk to the Board

Approved and signed July 18, 2007.