

COMMISSIONERS RECORD 48
FRANKLIN COUNTY
Commissioners' Proceeding for September 24, 2007

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

OFFICE BUSINESS

Consent Agenda

Motion - Mr. Miller: I move that we accept the consent agenda as listed for September 24, 2007:

1. Approval of **joint Resolution 2007-491** in the matter of the request for signature from the Chairman of the Boards of Benton and Franklin County Commissioners on the application between Benton & Franklin Counties Superior Court and Washington State Department of Community, Trade and Economic Development, for the Statewide Drug Prosecution Assistance Program, IAA Agreement #S08-66208-202, effective July 1, 2007, and terminating on June 30, 2009. (Exhibit 1: Information sheet.)
2. Approval of **Resolution 2007-492** for an agreement, #07/09-PREV-EPIC, between Enterprise for Progress in the Community (EPIC) and Benton-Franklin Counties to provide substance abuse prevention services for the 2007-2008 biennium, effective July 1, 2007 through June 30, 2009, and authorizing the Chairman Pro Tem to sign on behalf of the Board. (Exhibit 2: Information sheet.)
3. Approval of ***Voluntary Transfer of Annual Leave Request*** for Pamela F. Sexton (Clerk's Office) for a total of 74.5 hours as follows (completing the total 225 hours authorized by Resolution 2001-246):
 - Kathleen Neuman (Public Works) to transfer 20 hours.
 - Lori Schmidt (Corrections) to transfer 16 hours.
 - Kelly Martin (District Court) to transfer 7.5 hours.
 - Jason Willer (District Court) to transfer 15 hours.
 - Teresa Garcia (District Court) to transfer 7.5 hours.
 - Misty McBrearty (District Court) to transfer 7.5 hours.
 - Patricia L. Shults (Commissioners Office) to transfer 1 hour. (Exhibit 3)
4. Approval of **joint Resolution 2007-493** in the matter of the request for signature from the Boards of Benton and Franklin County Commissioners on the Professional Service Agreement for Legal Representation (civil defense) of Indigent Individuals in Benton and Franklin Counties Superior Court, Juvenile

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- Division, between the Juvenile Justice Center and Jared D. Paulsen, effective through December 31, 2009. (Exhibit 4: Information sheet.)
5. Approval of **joint Resolution 2007-494** in the matter of the request for signature from the Boards of Benton and Franklin County Commissioners on the Professional Service Agreement for Legal Representation (civil defense) of Indigent Individuals in Benton and Franklin Counties Superior Court, Juvenile Division, between the Juvenile Justice Center and Kathleen L. Moreno, effective through December 31, 2009. (Exhibit 5: Information sheet.)
 6. Approval of **joint Resolution 2007-495** in the matter of the request for signature from the Boards of Benton and Franklin County Commissioners on the Professional Service Agreement for Legal Representation (civil defense) of Indigent Individuals in Benton and Franklin Counties Superior Court, Juvenile Division, between the Juvenile Justice Center and Donna P. Mannion, effective through December 31, 2009. (Exhibit 6: Information sheet.)
 7. Approval of **joint Resolution 2007-496** in the matter of the request for signature from the Boards of Benton and Franklin County Commissioners on the Professional Service Agreement for Legal Representation (civil defense) of Indigent Individuals in Benton and Franklin Counties Superior Court, Juvenile Division, between the Juvenile Justice Center and Darin R. Campbell, effective through December 31, 2009. (Exhibit 7: Information sheet.)
 8. Approval of **joint Resolution 2007-497** in the matter of the request for signature from the Boards of Benton and Franklin County Commissioners on the Professional Service Agreement for Legal Representation (civil defense) of Indigent Individuals in Benton and Franklin Counties Superior Court, Juvenile Division, between the Juvenile Justice Center and Diana L. Anderson, effective through December 31, 2009. (Exhibit 8: Information sheet.)
 9. Approval of **joint Resolution 2007-498** in the matter of the request for signature from the Boards of Benton and Franklin County Commissioners on the Professional Service Agreement for Legal Representation (criminal defense) of Indigent Individuals in Benton and Franklin Counties Superior Court, Juvenile Division, between the Juvenile Justice Center and Julie A. Ovens, effective through December 31, 2009. (Exhibit 9: Information sheet.)
 10. Approval of **Resolution 2007-499** allowing employees to transfer to Pamela F. Sexton, Franklin County Clerks Office employee, annual leave up to 225 hours (30 working days), which is in addition to the leave already transferred.

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11. Approval of County Road Fund payroll in the amount of \$66,945.96 and Motor Vehicle Fund payroll in the amount of \$10,559.67 for pay period ending September 20, 2007.

Second by Mrs. Corkrum. 2:0 vote in favor.

Connie Curiel joined the meeting.

Voluntary Transfer of Annual Leave

Accounting Coordinator Ms. Curiel notified the Board that Cerise Peck, before she resigned her position in the Clerk's Office, wanted to donate the balance of 8.75 hours of her vacation to Pam Sexton. Ms. Curiel left it on the books. Ordinarily they pay vacation balance to the employee when they leave but she wanted to donate it. The form was signed after she had left only because she didn't have the paperwork. County Clerk Mike Killian understood and talked to Ms. Curiel about leaving it on the books and not cashing it out. The Board gave **consensus approval** to include Cerise Peck's 8.75 vacation hours on the next consent agenda.

Ms. Curiel left the meeting.

Jerrod MacPherson and Greg Wendt joined the audience.

2007-2026 Draft Highway System Plan Letter to Governor

Motion – Mr. Miller: Mrs. Chairman, I would like to make a motion that we approve the letter to the governor regarding the 2007-2026 Draft Highway System Plan, Port of Pasco, and that we have the Chairman sign it upon his return. Second by Mrs. Corkrum. 2:0 vote in favor. (Exhibit 10)

County Caricature Print

Motion – Mr. Miller: I move approval to frame the County caricature print in the amount of \$127.24. Second by Mrs. Corkrum. 2:0 vote in favor.

Vouchers/Warrants

Motion – Mr. Miller: I move approval of vouchers as listed for \$464,044.88 for September 24, 2007: Jail Commissary warrants 2368 through 2374 for \$6,139.05; DOC Building Inspection warrants 41 through 43 for \$94.88; Court Facilitator warrants 90 through 91 for \$1,239.15; Franklin County Enhanced 911 warrants 1267 through 1268 for

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\$17,738.28; Courthouse Renovation Fund warrant 541 for \$95,896.36; Liability Reserve Fund warrant 29 for \$169.40; Ending Homelessness Fund warrant 8 for \$9,583.32; Treasurer O&M warrant 180 for \$2,842.95; Crime Victims warrant 381 for \$192.58; Current Expense warrants 58899 through 59020 for \$22,356.37; Boating Safety warrants 401 through 402 for \$702.46; Current Expense warrants 59021 through 59085 for \$28,505.61; Election Equipment warrants 432 through 437 for \$2,206.15; TRAC warrant 667 for \$25,620.69; Motor Vehicle warrant 28952 for \$10,236.31; Current Expense warrant 59086 for \$72,898.45; Current Expense warrants 59087 through 59126 for \$16,859.99; Current Expense warrants 59127 through 59236 for \$97,808.48; and TRAC warrants 668 through 707 for \$52,954.40; for a total of \$464,044.88. Second by Mrs. Corkrum. 2:0 vote in favor. (Exhibit 11)

PLANNING/BUILDING DEPARTMENT

County Planning & Building Director Jerrod MacPherson and Assistant Director Greg Wendt met with the Board.

Public Hearing: SP 2007-21 to consider an application by J.R. Carr to short plat approximately 29.79 acres into two lots. As proposed, Lot #1 is approximately 4.99 acres in size and Lot #2 is approximately 24.80 acres in size. The property is located in the Agricultural Production 20 (AP-20) Zoning District.

The Public Hearing convened at 9:33 a.m. Present: Commissioners Corkrum and Miller; Planning Director Jerrod MacPherson; Assistant Director Greg Wendt; County Administrator Fred Bowen; and Clerk to the Board Patricia Shults. Present in the audience: Kevin Scott.

Mr. Wendt read the background summary information (Exhibit 12). The Planning Department is recommending preliminary approval of the short plat subject to the seven findings of fact and seven conditions of approval.

Mr. MacPherson discussed the aerial photo with parcel overlays. He read the findings of fact and conditions of approval.

Mrs. Corkrum dispensed with public comment as no one was in the audience to comment for approval or disapproval.

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Motion – Mr. Miller: I move that we grant preliminary approval of SP 2007-21 subject to the seven findings of fact and seven conditions of approval. Second by Mrs. Corkrum. 2:0 vote in favor. This is Resolution 2007-500.

INFORMATION SERVICES (IS)

IS Director Kevin Scott and County Planning & Building Director Jerrod MacPherson met with the Board.

GIS Computer Request

Mr. MacPherson indicated he has been working with Mr. Scott and his office for some time now regarding computer difficulties for Mr. Wendt's and Mr. MacPherson's computers relating to the mapping they do. They have researched upgrading their computers to keep up with the demands of the Geographical Information Services (GIS) system. It is more costly to upgrade one of the computers than to purchase a new computer. It's only a year out from being on the replacement list anyway.

Mr. MacPherson indicated there is Growth Management money available to use for this purchase because they do a lot of growth management mapping. He would like to expedite and upgrade the computers and utilize the Miscellaneous Growth Management budget.

Mrs. Corkrum asked if the Growth Management budget would pay for the computer and not Current Expense. Mr. MacPherson indicated that was correct.

Mrs. Corkrum thought with the new Microsoft system all the computers are upgraded. Mr. Scott indicated that was only software, not hardware. Mr. MacPherson is looking at replacing two computers.

Mr. MacPherson indicated the hardware was having a hard time keeping up with the GIS portion, not the everyday application. Mr. Scott indicated the GIS computers need to be a lot more robust, more powerful, with bigger screens.

Mr. MacPherson stated he had quite a lengthy resolution, as it is creating a new line item within the Growth Management budget, transferring money into the new line item and authorizing IS to purchase said computers.

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Motion – Mr. Miller: I move approval of Resolution 2007-501. Second by Mrs. Corkrum. 2:0 vote in favor. [Creation of line item 558.10.64.0001 (Machinery and Equipment) in the 2007 Miscellaneous Growth Management Budget #108-000-001; inter budget transfer of \$3,349 within the Growth Management Budget #108-000-001 from line item 558.10.50.0002 (Intergovnt Serv – OCD Contract GMA) to line item 558.10.64.0001 (Machinery and Equipment) and authorizing Information Services to purchase two Dell GIS workstation computers, monitors and associated software for the Planning and Building Department as identified on the quote, to be paid from the Growth Management Budget #108-000-001, line item 558.00.64.0001 (Machinery and Equipment).]

Software Request

Mr. Scott indicated he had two different resolutions. One is to purchase some software that helps us manage the network. One of the problems they have is if any key to our network goes down, they don't know about it until it is down. It could be 9:00 am when their phones start flooding with calls or 11:00 pm on a Saturday night. This software will monitor our network and page us the second there is a problem. It will help us to be more proactive and less reactive. He is requesting the purchase be taken out of their Capital Outlay budget in the amount of \$1,620. Mr. Bowen asked, so you do have money in your budget? Mr. Scott indicated he did.

Motion – Mr. Miller: I move that we authorize Information Services to purchase software from Paessler in the amount of \$1,620. Second by Mrs. Corkrum. 2:0 vote in favor. This is Resolution 2007-502.

Mr. Scott indicated the next resolution was another software program that we're requesting two copies in the 2008 budget for \$892 and he is requesting to buy one now. It is another software that will help us streamline a lot of what they do. Our hope is with this software, instead of touching 25 of the Sheriff's laptop computers every time they need to make a change, we can create a package on a CD, hand them all a CD and have them install it themselves.

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Mr. Miller asked if IS had a problem with giving them a CD and having them put it in correctly. Mr. Scott didn't think so. There are enough people on a shift that could manage the installation. Even if they had to run a school for two or three people, that would be manageable. What they go through now is unbelievably painful, trying to deal with 25 laptops that very seldom come into the building. So they need to coordinate with everybody.

Motion – Mr. Miller: I move that we authorize Information Services to purchase software from ScripLogic in the amount of \$892. Second by Mrs. Corkrum. 2:0 vote in favor. This is Resolution 2007-503.

TRAC

TRAC Manager Troy Woody met with the Board.

Use & Event Statistics

Mr. Woody indicated he has been asked multiple times since he started working at TRAC and he has always been unfamiliar with the terms "use and event" but apparently the terms are common within their industry. People want to know how many event dates you have a year and how many use days you have a year. Event days are simply days an event was held in the facility, regardless of the number of events per day. So if we have an event the first through the fifteenth and we had twenty events every day the first through the fifteenth, it is still only fifteen event dates. The other fifteen are blank. They have had 157 event dates year to date, which means they are running about 64% occupancy. Mrs. Corkrum indicated that was good.

Use days are when an event was there, but if they had more than one show, you count the shows. Oftentimes you can have more use days than you actually have calendar days. A circus, for example, has two or three shows. That would be three use days.

Mr. Woody stated he did not make these definitions up. He's not sure he understands the concept behind that but apparently it is an industry standard. Use days are running about 115%. He likes that it is not tied to attendance.

Mrs. Corkrum said it would be good to take this information to the TRAC Advisory Board. Have you done that yet? Mr. Woody indicated not yet, but he plans to.

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Guest Letter

Mr. Woody shared a letter he received from Charter Media regarding the Nickelodeon event. He doesn't very often bring these type of letters in to the Board, although he gets them pretty regularly so he thought he should start bringing them in.

He received an email this morning from Apollo, which is significant because they are trying to book their Christmas party. They have been at Red Lion for years. They called a couple weeks ago and said they wanted to do a lunch for about 300 people after a million man-hours of no lost time for safety. So they brought everyone in last week for lunch. They received a nice comment back on that one.

Mr. Miller asked how many more people would have been at this event if we had a big sign saying what event was taking place. Mr. Woody indicated they have a lot of irons in the fire on this issue. He agrees, we need signage.

TRAC Advisory Board Meeting

Mr. Woody shared the meeting notes from the last TRAC Advisory Board. Regarding expenses from 2006 to 2007, in spite of the budget, they spent \$15,000 less in 2007 and they are up almost \$300,000 in revenue. When compared to the budget you want to cry, but budgets are always your best guess.

Senior Picnic

Mrs. Corkrum asked how the senior picnic went. Mr. Woody stated it was fabulous and he hopes they never have to do it again. He knows he came to the Board and asked this to be something we should do at cost from a political standpoint. They worked harder than any other \$30,000 trade show. We strongly recommend we don't do it again unless they pay full rate.

Mrs. Corkrum wondered if you could track if there is any fallout of more business from the people that attended from other communities because it was for all seniors from the whole Tri-Cities. She doesn't know how you would track that from people attending. Mr. Woody didn't know either but in terms of non-profits, there are probably 50 others he would rather have that would generate more future business.

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Mrs. Corkrum thought this may rotate throughout the communities. It may be in Kennewick or Richland next year. Mr. Woody thought there was some intent to keep it at TRAC. Mrs. Corkrum stated she didn't think we could be that generous.

Petty Cash

Mr. Woody discussed the petty cash amount the State Auditor said they should have. The State Auditor said that according to Franklin County Chief Accountant Tom Westerman's notes, TRAC should have \$15,000 in petty cash. They audited us and we only have \$10,000. So the State Auditor said go find the resolution that says you should only have \$10,000. They found all kinds of resolutions, none of which comes close to either number. The resolutions they can find say that TRAC should only have \$3,400 in petty cash in its possession plus another \$25,000 in the bank. We do have the \$25,000 in the bank but if you add up the resolutions, we should only have \$3,400 in petty cash, which is a ridiculous number. You can't possibly operate on that amount. The resolutions also say they have \$25,000 in 2005 for the Grand Old Fourth. And we're assuming based on the numbers that went back. Then they had \$15,000 in 2006 for the 4th and we're assuming that money went back. There are no resolutions to return the money. So there are a couple of confusing issues. If you really follow the paperwork, he's \$7,000 over. If you follow Mr. Westerman's numbers, which there are no supporting documentation other than his journal entry notes, we're \$5,000 short. Mr. Woody indicated he would follow up with Mr. Westerman and will continue to investigate. He knows when he walked in the door as manager TRAC had \$10,000. That was one of the things he checked. Having been through petty cash a few years, that's one of the things he focused on. At least two and a half years ago there was \$10,000 in petty cash in TRAC's possession, not in the bank. He can't locate resolutions authorizing TRAC to get to \$10,000 in the first place.

Mr. Bowen stated he thought the amount should be \$10,000. The reason was, when an event came in you needed cash to basically upfront the event. He's surprised they can't find the resolution. Mr. Woody thought they should be looking for \$2,000, \$3,000 and \$4,000 resolutions because as the business grew somebody thought they

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needed to bump it. That's typically how petty cash is increased. They can't find anything between 1996 and 2005.

Draft 2008 Budget

Mr. Woody shared the draft TRAC 2008 budget with the Board. In 2007 the revenue forecast was \$1.8 million and the 2008 revenue forecast is \$1.9 million, which is about an 8% growth. This year if we hit our forecast, we will be up by almost 12%.

Expenses this year are projected to be at \$2.2 million and they are forecasting \$2.3 million for 2008, up by \$100,000 from 2007. That means your loss this year is forecast to be \$371,000 and the budget preliminarily is \$328,000. That's a \$42,000 improvement in the total subsidized amount from 2007 to 2008.

Mrs. Corkrum asked if he had actual budget figures for October, November and December. Mr. Woody indicated the revenues won't change very much because everything he has in the forecast for October, November and December is on the books. Expenses have been higher than they expected all year, so he's not sure where that will end up.

Mr. Woody indicated there were a number of items not in this budget, such as the new arena advertising, because he's anticipating the first year's revenue to pay for the signs, so that will be a wash. In 2009 that could be \$40,000 to \$50,000 in profit. He also didn't include the Grand Old Fourth event. Expenses will be virtually the same with whatever normal increases, such as step increases, benefit increases, and electricity. Aside from that there will be no structural changes, no significant lease changes. When it gets closer he will bring line item by line item by department to the Board.

Mr. Woody explained that Mr. Bowen had asked a couple of times about food and beverage profitability. They reviewed a spreadsheet identifying four years of food and beverage figures. The average food and beverage profits are increasing considerably.

Weekend Event

Mr. Miller asked if TRAC had a Christian singer coming. Mr. Woody said it will happen this weekend. Ticket sales are at all Christian bookstores. TRAC has no access

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to the ticket sales. Mr. Miller asked if he knew how the sales were going. Mr. Woody does not. The promoter pays TRAC a flat fee and TRAC has no control over ticket sales.

Accountant Position

Mr. Miller asked about the accountant position. Mr. Woody indicated he needs somebody who knows Quickbooks. TRAC hired a temporary who works for an accounting firm who has cleaned up more in a week than previous workers did in a year. She comes in a couple days a week helping to clean up and re-set everything up so it is done correctly. She determined very quickly that Quickbooks was not originally set up to work well with the County software.

Gun Show

Mrs. Corkrum asked about the gun and antique show. What about the regulations for selling guns? Mr. Woody indicated there are a ton of regulations and they are all dictated at the federal level by Bureau of Alcohol, Tobacco and Firearms (ATF). They are now required to have a license from the City of Pasco but it has nothing to do with the city. It is controlled by ATF. The city inspector over the last couple of years has attempted to make that show very complicated. Last year he called ATF. They actually came down and inspected the show. The show has passed every time with their inspections. This year the city again said you now need this other business license. Mr. Woody called them and said he didn't understand. This show has been going on for ten years. The city said they forgot to ask for that other license last year. Mr. Woody indicated they apparently forgot to ask for that license for the last ten years. He asked if there was anything else they'd forgotten that is now required. They are making it very inconvenient for this gentleman to do business in our town. It's a federally controlled show and has nothing to do with the City. Mr. Bowen asked if he had followed up with Pasco City Manager Gary Crutchfield. Mr. Woody indicated he had not, because of the sign issue. When he has that resolved he will bring up the gun show. It's getting somewhat ridiculous. Mrs. Corkrum agreed. And they're supposed to be partners with us. Then you have the manager asking why TRAC isn't making a profit.

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HORTICULTURAL & PEST CONTROL BOARD

Coordinator Tom Wilson met with the Board.

Tree Buy Back Activity

Mr. Wilson indicated 275 trees have been removed so far this year, using 195 certificates. There were 76 more positive trees with cherry leaf roll virus (CLRV) (*nepovirus*). They dodged the ball regarding apple maggots, as they didn't find any in Franklin County. Apple maggots were found them in Benton County. Regarding the flowering pear, the City of Kennewick and the City of Pasco have agreed to put a moratorium on planting until they find out what the problem is. There is about a 10% infection in Franklin County areas. The Pest Board would like to expand traps from 60 this year to 500 next year. Rather than ask for a grant through WSU, they desire to proceed without asking permission, as permission may be denied. The traps cost about 60 cents each and will require manpower to move around to accommodate setup and checking, according to codling moth expected hatch days.

2008 Budget

Mr. Wilson presented Resolution Number 2PCB07 for the Pest Control Board for 2007 (Exhibit 13). There is a three percent increase over last year. Their bottom line is \$167,203.

Mrs. Corkrum asked how many years has Franklin County had pest control. Mr. Wilson said it was established in 1971.

Mrs. Corkrum asked if he needed the Board to take action today. Mr. Wilson said the Board will approve the budget with the rest of the budgets, under Agency Funds.

Mr. Wilson indicated Bill Fredrickson is retiring from the Weed Control Board.

COUNTY ADMINISTRATOR

County Administrator Fred Bowen met with the Board.

Change Order #1 for Ziegler Construction

Mr. Bowen explained the need for Change Order #1 for the security project. It is for \$18,473.37 and it does include sales tax. The light poles and steps needed to be replaced.

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Motion – Mr. Miller: I move that we approve Change Order #1 to the agreement between owner (Board of Commissioners, Franklin County, Washington) and contractor (Ziegler Construction) for the Franklin County Security Project for service work as an additional \$18,473.37, including sales tax, bringing the new contract to a sum total \$1,410,473.37. Second by Mrs. Corkrum. 2:0 vote in favor. This is Resolution 2007-504. Mr. Bowen indicated he expects two more change orders, for additional paving, handrails and sidewalk replacement.

Public Safety Building & Jail Exterior Upgrades Project

Mr. Bowen explained that when a project is 95% complete a substantial completion letter is issued to the contractor so they can begin to close out the project.

Motion – Mr. Miller: I move that we approve the Certificate of the Substantial Completion to George A. Grant regarding the Franklin County Public Safety Building and Jail Exterior upgrades project. Second by Mrs. Corkrum. 2:0 vote in favor. This is Resolution 2007-505.

Courthouse Security Training

Superior Court Administrator Pat Austin provided an email to Mr. Bowen regarding courthouse security training. The U.S. Marshal's Office will present court security training November 6, 2007, at the Criminal Justice Training Center in Chelan County. It would be cheaper for them to fly than have to drive and spend the night in a hotel. Mrs. Corkrum was interested in attending also. The Board gave consensus for all three to attend.

Grand Old Fourth

The City of Pasco, to Mr. Bowen's surprise, wants to continue with the Grand Old Fourth (GO4). They want to continue with the fireworks. The GO4 Committee plans to meet today. There are two conferences coming up. One is an International Association of Fairs & Expos (IAFE) conference in Las Vegas and the other is a Western Fairs Association conference in San Diego. The state Department of Community, Trade and Economic Development (CTED) contributes \$5,700 to the County to participate in planning these types of activities. The GO4 Committee plans to send two committee

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members to one conference and two to the other. The difference is \$583 that the County and City need to come up with. Mrs. Corkrum and Mr. Bowen stated they were surprised the IAFE conference was cheaper. The Board feels it is important for them to attend and gave consensus.

PUBLIC WORKS

Engineer Tim Fife met with the Board.

R170 Road Replacement

Mr. Fife presented a resolution to the Board for consideration to supplement the HDR contract to include right-of-way, structures, and substantial design change for the for R-170 slide area. It was covered in the original contract but they didn't have estimates on what the cost would be, so they chose to add the tasks later.

Motion – Mr. Miller: I move that we approve the Local Agency Agreement, Supplement #1, between Franklin County and HDR Engineering, Inc., amending Resolution 2006-503. Second by Mrs. Corkrum. 2:0 vote in favor. This is Resolution 2007-506.

Vouchers

Motion – Mr. Miller: I move approval of vouchers as listed: Solid Waste Fund for \$8,291.11; Solid Waste Fund for \$260.46; County Road Fund for \$23,271.20; and Motor Vehicle & Public Works Equipment Fund for \$89,001.97. Second by Mrs. Corkrum. 2:0 vote in favor. (Exhibit 14)

Notice of Intent to Sell Equipment

Motion – Mr. Miller: I move that we approve the notice of intention to sell vehicles as listed, property owned by Franklin County. Second by Mrs. Corkrum. 2:0 vote in favor. (Exhibit 15)

RATA Funding

Mr. Fife shared a letter he received from Randy Hart, Grant Program Manager, Washington State County Road Administrative Board (CRAB). Mr. Fife had written a letter requesting emergency rural arterial transportation account (RATA) funding for canal replacement related to R-170 Road landslide event. They have made requests to congressmen and senators and as of today they haven't received anything. Mr. Fife

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thought a field trip would be appropriate for Senator Murray and Senator Cantwell to show them what's been done to date and where they're headed. He took pictures of the portion of R-170 they've closed. Cracks go several feet down.

INDIGENT DEFENSE

Indigent Defense Coordinator Ray Gonzales and Administrative Assistant Judy Paxton met with the Board.

Mr. Gonzales indicated he was here to talk to the Board about Mr. Webster's case in Superior Court. Mr. Swaby was removed as attorney of record because of allegations Mr. Webster made regarding smuggling contraband into the jail. He believes the court appropriately removed Mr. Swaby because it created a great conflict for Mr. Swaby and would absolutely open the door for an appeal.

Mr. Webster has been without counsel since September 12, 2007. They have not been able to secure counsel for him at the \$100 an hour rate. They have not yet offered any one more. They have a hearing tomorrow on that issue. At this point, whoever picks it up will spend 400 to 800 hours or more on the case, depending on how quickly it proceeds to trial. There may also be other issues about the Attorney General's Office. They talked to Mr. Scott from the AG's Office and they intend to draw a motion to have him transferred to Walla Walla prison. However, that motion won't be heard until Mr. Webster has his own counsel, because of access issues. At the present time, the contract is an hourly contract and does not address mileage. Most attorneys charge travel time but that may be minimal. Mr. Lowe's office is removed because of the voluntary conflict statement by his office. The guy deserves qualified counsel but it will involve a lot of money. But we clearly have the responsibility to the county to keep it as economical as possible. He has even called some personal friends but they declined to do it for the money being allotted. There are eight to twelve boxes of discovery. They've also advised Mr. Swaby, due to the nature of this case, he should probably go through the paperwork to make sure he at least has a duplicate of the basics. Mr. Gonzales strongly suspects that Mr. Webster is not going to insulate Mr. Swaby from any claim he may

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have. All four indigent attorneys are excluded due to conflicts. He doesn't know what motivation Mr. Webster had but he suspects he wants out-of-county counsel.

Mrs. Corkrum asked, is he mentally sound? Mr. Gonzales indicated he couldn't answer for mental competency. Is he competent to proceed to trial, yes.

Mrs. Corkrum asked if the cost of an attorney will be \$400 an hour. Mr. Gonzales indicated he thought it would be more like \$200 an hour. The total bill will be \$80,000 to \$130,000.

Chief Civil Deputy Prosecutor Ryan Verhulp joined the audience.

Mr. Bowen said that since Mr. Webster is showboating, he should become the state's problem and not the county's. Mr. Gonzales said there are two ways that can happen. One, if the state dismisses the case. Mr. Webster has made many statements that he doesn't want this case dismissed. He wants his day in court. He wants to vindicate himself. That's not Mr. Webster's choice. If Mr. Lowe decides to dump the case, Mr. Webster has no say in it.

The other issue is a principal called spoliation. The court makes a specific finding that this gentleman is deliberately incurring conflicts with his counsel and at some point the state's obligation to provide counsel ends. There is a case called Farretta vs California that talks about the court having a discussion with the defendant saying that they are finding that he is not participating in the process so they are releasing the county from providing counsel. He doesn't think they are there yet. That is an extremely high standard. That requires deliberate acts by the person, non-cooperation and all sorts of things to get there. It's not clear that it would be applicable in Washington state. If that was the case, Mr. Webster would end up going pro se, which means he will act as his own counsel.

Mrs. Corkrum asked how many attorneys has Mr. Webster had to this point? Mr. Gonzales indicated four. He will hear from the court tomorrow. He anticipates that the state's attorneys, Mr. Scott and Mr. Tratnik, will renew their motion to have him transferred out of county. Our position on that has to be, ethically, that decision can't be made with him acting as his own attorney to argue the motion. Mr. Gonzales anticipates

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that the judge is going to say they have seven days and then they will be back in court to talk about the issue again. Mr. Gonzales is hoping to ask for the court's approval to authorize additional fees. He would ask the court to give a cap for the hourly and then they would negotiate from there. He's hoping for \$200 to \$250 an hour. The other issue he anticipates happening, if it was him taking the case, he would want a second lawyer for conferences with Mr. Webster, not necessarily at trial but especially for conferences.

Mrs. Corkrum concurred, especially with Mr. Webster's allegations.

Mr. Bowen indicated he would need to set up a separate budget, as contingency does not have the funds. He doesn't know where the County will get the money.

Mr. Gonzales said he should ask Judge Mitchell to appoint a financial judge. Sometimes the judges who handle a major case are not comfortable making major financial decisions.

Mr. Miller asked what the advantage or disadvantage would be in hiring a financial judge. Mr. Gonzales explained that a financial judge monitors expenditures. In a contract situation, the advantage for the county is that the financial judge has the ability to request counsel provide monthly billings. Also the financial judge would have decision as to appointment of an expert, appointment of an investigator, and determining if mileage requests are reasonable.

Mrs. Corkrum stated she would like to see the situation resolved because it is costing the county money to house him. Mr. Gonzales stated that issue will be resolved fairly quickly. Other than Mr. Webster's advocacy, presuming we appoint somebody out of county, the need for him to be housed here for access is going to be minimized. It then becomes an issue of access through Walla Walla. It is his understanding that it is possible to talk to the people at the Walla Walla prison and get papers on file so it is easier to get an administrative visit. The first time he went to talk to a witness he had to send notice two weeks in advance, provide his Bar card, and fill out forms. It may be possible to streamline the process and only give 48 hours notice, which is much more reasonable. If the situation then becomes that access to the client is no longer an issue,

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particularly if he is given reasonable telephone access, then his ability to demand that he be held here is going to become significantly minimized.

Mr. Miller asked, why would someone want to be in the county jail instead of the state prison? Mr. Gonzales said that was a difficult call. Typically defendants would prefer to be in an institution rather than be here. Mr. Webster relishes the individual attention. Every time he walks out he is accompanied; he has a certain notoriety here. It is my opinion that he is not so amenable here to disciplinary action because the jail wants to be careful about how they handle him. And finally there are not as many sanctions available in the county jail. He can't be locked up in a 6x6 cell here like he can be in Walla Walla. All those things combined, this is an easier place to be. He probably has easier access to telephones here.

Mrs. Corkrum thought the financial judge would be beneficial in this case. Mr. Gonzales will broach the issue with Judge Mitchell. Mr. Bowen and Mr. Miller agreed it would be beneficial. Mrs. Corkrum asked what the cost of that would be. Mr. Gonzales indicated it shouldn't cost the county anything. They would be appointed and paid just like he is, their regular salary. It is just an added duty to one of the judges. It is a financial monitoring issue and they are not patrician to either side. They assess reasonableness and order payment or deny payment. It would certainly be a judge off the existing panel. It may go to Judge Matheson, who is presiding right now, for his consideration. He will ask Judge Mitchell for consideration.

Recessed at 11:36 a.m.

Reconvened at 11:40 a.m.

PROSECUTOR

Chief Civil Deputy Prosecutor Ryan Verhulp met with the Board. Rosie Rumsey was present in the audience.

Resolution amending ballot title for proposed Franklin County Fire Protection District #5

Mr. Verhulp presented a resolution to the Board for their consideration simply amending one of the ballot propositions for the upcoming general election regarding the fire protection district. We need removal of one of the ballot titles that asked for a tax

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levy to be submitted to the voters. The reason that's not necessary is because Assessor Steve Marks has confirmed that he can simply assess that tax by right and it doesn't need to be submitted to the voters.

Motion – Mr. Miller: I move that we approve a resolution amending ballot propositions of the next general election regarding the petition for formation of Franklin County Fire Protection District No. 5, per Chapter 52.02 RCW (amending Resolution 2007-389).
Second by Mrs. Corkrum. 2:0 vote in favor. This is Resolution 2007-507.

Resolution Claim for Damages

Mr. Verhulp provided the Board with a resolution requiring their approval of a claim for damages submitted by Mr. Bill Munholand for the amount of \$785.18. Mr. Verhulp has reviewed the estimate and feels it is reasonable. It has also been evaluated by Mike Cook from the Washington Counties Risk Pool (WCRP).

Motion – Mr. Miller: I move that we approve the claim for damages for Bill Munholand, whose vehicle was struck by a vehicle driven by Paul Clausen that was damaged on the Blue Bridge, for the sum of \$785.18. Second by Mrs. Corkrum. 2:0 vote in favor. This is Resolution 2007-508.

Executive Session at 11:46 a.m. regarding current litigation expected to last 5 minutes based on RCW 42.30.110(1)(i).

Open Session at 11:56 am.

HUMAN RESOURCES

Human Resources Director Rosie Rumsey met with the Board.

Medical Insurance

Ms. Rumsey provided the Board with background insurance information and 2008 medical rates for Franklin County. The Insurance Committee has been meeting for the last two or three months, trying to find a different insurance. The committee compared Public Employees Benefit Board (PEBB), United Employees Benefit Trust (UEBT) and Washington Counties Insurance Fund (WCIF) and they narrowed it down to PEBB and WCIF because UEBT does not allow employees to waive coverage. The last time the committee met, they were ready to make a recommendation to the commissioners to go

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with WCIF. But before they made that recommendation they wanted to get the 2008 rates, which we now have. The rates were reviewed. WCIF has pool rates and also contracts out to Group Health. Ms. Rumsey explained the composite rate, one price for any number of covered employees or dependents, and the two-tiered composite rate, one rate for employee only and one rate for family. The committee liked the two-tiered composite rate.

Ms. Rumsey indicated they also need to offer an HMO plan, which would be Group Health. Group Health rates are only tiered, they're not composite rates. If the employee chooses the WCIF pool rate, long term disability is included. It is not included with the Group Health rates.

Mr. Bowen stated the employees also get the Employee Assistance Program (EPA). Mrs. Corkrum stated that we could eliminate our contract with Our Lady of Lourdes. Mr. Bowen stated he assumed the Board would select the two-tiered plan so when he prepared the budget he took the EPA funding out. Ms. Rumsey indicated if the County wanted to continue with Lourdes then the Pool would contract with them.

Motion – Mr. Miller: I move approval of the two-tiered composite rates and the four selections: the WCIF Pool Affordable PPO, Value PPO, Budget PPO and Standard PPO, along with WCIF Group Health Options Select multi-tiered rated with the \$500 deductible plan and the \$200 deductible plan. Second by Mrs. Corkrum. 2:0 vote in favor. This is Resolution 2007-509.

Ms. Rumsey stated the dental and vision coverage stay the same.

Planning Department Position

Ms. Rumsey indicated the position request for the additional planner did go through the Classification Committee. The committee recommends Grade 45 for a Planner 1 and Grade 47 for Planner 2. Typically, the approval comes when the Change of Status is brought before the Board. The Board gave consensus approval.

Adjourned at 12:15 pm.

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There being no further business, the Franklin County Board of Commissioners meeting was adjourned until September 26, 2007.

BOARD OF COUNTY COMMISSIONERS
FRANKLIN COUNTY, WASHINGTON

Chairman

Chairman Pro Tem

Member

Attest:

Clerk to the Board

Approved and signed October 1, 2007.