

COMMISSIONERS RECORD 49
FRANKLIN COUNTY
Commissioners' Proceeding for April 23, 2008

The Honorable Board of Franklin County Commissioners met on the above date. Present for the meeting were Bob Koch, Chairman; Rick Miller, Chair Pro Tem; and Neva J. Corkrum, Member; Fred Bowen, County Administrator; and Patricia Shults, Pro Tem Clerk to the Board. Present in the audience: Tri-City Herald reporter Joe Chapman and two gentlemen.

OFFICE BUSINESS

Consent Agenda

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

1. Approval of **Resolution 2008-177** proclaiming May 2008 as Older Americans Month.
2. Approval of **Resolution 2008-178** reinstating and modifying Resolutions Numbers 2002-142 and 2004-365, clarifying the date of previous Commissioner redistricting.
3. Approval to submit a letter to the Department of Ecology authorizing Ecology to place Franklin County parcels on the Columbia River web site. (Exhibit 1)
4. Approval of **Resolution 2008-179** adjusting anniversary dates for two Dispatch employees.

Second by Mrs. Corkrum. 3:0 vote in favor.

Three more gentlemen joined the audience.

Commissioners Salaries for Districts 1 and 2

Two versions of a resolution were presented to the Board. One would set the salaries equal to the other elected officials. For 2009 the salaries would be \$83,369. The other version would set the salaries the same as District 3. For 2009 it would be \$71,839.

Mr. Miller said at this point he's not too eager to approve one yet.

Mrs. Corkrum said she thought a new resolution is needed. She asked to have the one setting the salary at \$83,369 for 2009, equal to the other elected officials.

Motion - Mrs. Corkrum: I move approval of **Resolution 2008-180** rescinding Franklin County Resolution 2007-238 and approve setting the salary for the Board of Franklin County Commissioners, Districts 1 and 2, for 2009 through 2012. Mr. Koch said because

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of the HayGroup study and prior history of Franklin County, he would second the motion.

Vote: 2:1 vote in favor. Yeas: Mrs. Corkrum and Mr. Koch. Nay: Mr. Miller.

Vouchers

Motion – Mr. Miller: I move for approval of the 2008 vouchers as listed: Current Expense warrants 63022 through 63041 for \$20,780.03; Current Expense warrants 63042 through 63049 for \$19,561.83; and Auditor O&M warrant 491 for \$165.11; for a total of \$40,506.97. Second by Mrs. Corkrum. 3:0 vote in favor. (Exhibit 2)

PLANNING AND BUILDING DEPARTMENT

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

Public Meeting: Subdivision SUB 2008-03, an application by Stan Stinson for a preliminary plat subdivision. Said application is to subdivide approximately 20 acres into fourteen (14) single-family residential lots. The property is zoned Rural Community 1 (RC-1).

The Public Meeting convened at 9:15 am. Present: Commissioners Koch, Corkrum and Miller; Planning Director Jerrod MacPherson, Assistant Director Greg Wendt; County Administrator Fred Bowen; and Pro Tem Clerk to the Board Patricia Shults. Present in audience: Joe Chapman and five gentlemen.

Mrs. Corkrum asked if new testimony could be taken. Mr. MacPherson indicated no new testimony but the Commissioners may ask questions. Mrs. Corkrum stated that no appeal was filed. Mr. MacPherson said only the applicant was represented at the open record hearing so there was no other testimony other than the applicant. There was no opposition verbally or in writing. Looking at the audience, Mr. MacPherson didn't see anybody that was present at the hearing.

Mr. MacPherson discussed the background information on the Action Summary Sheet (Exhibit 3). The Board viewed the map presented on the screen while Mr. MacPherson discussed the subdivision application.

Mr. MacPherson said the property is zoned Rural Community 1 because it was formerly a part of the Rural Shoreline area of the County Comprehensive Plan. This area

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was recently included in the City of Pasco's Urban Growth Area Boundary. It still has a Rural Shoreline zoning designation but they will be going through a rezoning process once the City of Pasco adopts their new comprehensive plan. At this point, the zoning is in limbo but it won't affect the subdivision application.

Mrs. Corkrum asked where Sanderson Heights was in connection to David Wilson property. Mr. MacPherson said this was part of Mr. Wilson's property and is the fourth development Mr. Wilson is doing. Stan Stinson is the engineer doing the subdivision for Dave Wilson, so he is the official applicant.

Mr. MacPherson showed the Board a plat for the 20 acres in question. Tract A is a non-residential lot and will contain their reservoir for their fire protection system that will serve Pelican Point and Goose Hollow subdivisions. The lines will be installed to city standards with hydrants to facilitate a future connection to municipal water.

Mr. Wendt discussed the Conditions of Approval. Tract A stands out in this development as they will need to have landscaping and a maintenance plan. The fencing requirement also stands out, as they are requiring fencing along Dent Road to continue along the east sides of Lots 1 and 6 and Tract A.

The Planning Commission gave unanimous approval during the April 1, 2008, hearing.

Mr. Koch asked why are they putting a cul-de-sac in since they have a full loop road, or will it be looped to start with? Mr. MacPherson said it will be looped to start with. That is what was proposed. Mr. Koch said that cul-de-sacs are nothing more than another parking lot. Mr. MacPherson agreed. He said the topic never came up. This is what the applicant wanted.

Mr. Miller asked what the water situation looked like. Mr. MacPherson said the state Department of Ecology has a law for exempt wells. The threshold is 5,000 gallons a day for an exempt well or a series of wells. An attorney general through the Supreme Court has a ruling that states that any one development cannot exceed 5,000 gallons a day, whether it's one well or 14 wells. The Department of Health has a manual that talks

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about the average daily consumption for a single-family residence with an outside irrigation source.

Motion - Mrs. Corkrum: I move we grant preliminary approval of subdivision application SUB 2008-03, subject to the six findings of fact and eight conditions. Second by Mr. Miller. 3:0 vote in favor. This is Resolution 2008-181.

Public Meeting: Zone Change ZC 2008-02, an application by David Greeno to change the zoning classification on approximately 4.97 acres (gross) currently zoned Retail Business Zone (C-1) and Office (O) Zone. The rezone involves changing the 4.97 acres from Office and Retail Business to Medium Density Residential (R-2). The total parcel size is approximately 9.42 acres.

Public Meeting convened at 9:29 am. Present: Commissioners Koch, Corkrum and Miller; Planning Director Jerrod MacPherson, Assistant Director Greg Wendt; and Pro Tem Clerk to the Board Patricia Shults. Present in audience: Joe Chapman and seven gentlemen. Mr. Bowen stepped out of the meeting for a moment.

Mr. Wendt reviewed the information on the Action Summary Sheet (Exhibit 4).

Mr. MacPherson showed the Board three zoning maps on the screen and discussed each one.

Two more gentlemen joined the audience. Mr. Bowen rejoined the meeting.

Mr. Wendt said the Planning Department received a petition from 10 or 12 neighbors. The issues they have are subdivision application-related questions. They are concerned about how future lots will be situated, access, size of lots, and things like that. The Planning Commission, after reviewing their concerns, felt like their concerns could be addressed at the time of subdivision but not at the time of rezone.

Mr. MacPherson said there was no appeal. Mr. Wendt said the Planning Commission recommended approval subject to the five findings of fact.

One gentleman left the meeting.

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Motion - Mr. Miller: I move that we grant approval of Zone Change application ZC 2008-02, subject to the five findings of fact. Second by Mrs. Corkrum. 3:0 vote in favor. This is Ordinance 4-2008.

Mr. Wendt and Mr. MacPherson left the meeting.

OTHER BUSINESS

Present in audience: Joe Chapman, Steve Cooper, Kevin Heinen, John Talbott, and four other gentlemen.

Commissioner Redistricting

Mr. Koch said the Board would like to take this time to have the members in the audience speak.

Steve Cooper introduced himself as a Franklin County resident. He came today to talk about questions and concerns about redistricting. He's not versed enough to give the people who have talked to him information, so he would like an explanation as to what is going on with redistricting. His big concern is he would like to know the numbers of the population in each district and the numbers of the registered voters in each district.

Mr. Koch said Mr. Cooper would need to go over to the Elections Department to get those numbers as he did not have them. Mr. Cooper asked if the Board had discussed the numbers. Mr. Koch said they had, in a general discussion. There is really no way to know for sure until the census comes out in 2010 to know the exact numbers. It's all speculation at this point. Mr. Cooper said the numbers he's hearing, the numbers are very lopsided, as far as the three districts. Mr. Koch said it probably is. Mr. Cooper asked if the Board planned to work on this and fix this problem with the lopsidedness. Mr. Koch said if you follow the RCW, you can only do it no more often than every four years. From his understanding of the RCW, you have to do it after the census comes in 2010. If we were to do it now it would conflict with 2010.

Mr. Cooper asked how redistricting worked. Do we go off of registered voters and population census and/or both? Mr. Koch said it is population according to the RCW. Mrs. Corkrum told some history of the last redistricting process. She agreed that Mr. Miller's district is lopsided as far as registered voters, but Mr. Koch's and her

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districts are even. She doesn't know how we can redistrict now and go by the RCW that says we can't do it any more often than four years, when in 2010 we will be faced with redistricting. Mr. Cooper asked if this was an RCW for Washington State and all counties. Mrs. Corkrum said it is a federal law.

Mr. Cooper asked, so it has to be done on population; all the counties in the state do it on population? Mrs. Corkrum said he could have that verified by the County Auditor.

Mr. Koch said we're elected by the county as a whole. Mrs. Corkrum said everybody votes in the general election.

Mr. Miller asked to explain this process from his perspective. When he ran for election, the size of the districts was so lopsided and he heard a lot of comments asking why is this district so much bigger and is it fair? He did some research on it. The Franklin County Auditor told him as soon as his election is over they would work on this to redistrict it and fix it. The auditor came up with different RCWs and other information. Mr. Miller told her to go ahead and work on some maps. He said they finally got one map after doing four of them. He was told in July that after the November election they would do this. He waited and waited and nothing happened. People expressed concerns to him. He said he personally doesn't care, that he'll take the big district. It's better for him to have more people. But in fairness to the people that do want to run or even think they can run in that district is his main concern. Mr. Miller read RCW 29A.76.010 and RCW 36.32.020 into the record as well as the definition of "shall" from the Webster's dictionary.

Mr. Miller said some counties have been sued such as Stevens County. He stated Commissioners Koch and Corkrum are ignoring RCW 36.32.020. He referred to the *Morris v. Favor* case file from a court case involving districting of Asotin County in 1925. He read that the districts should be as compact as possible and gave a definition of "compact." He read from the *Snyder v. Munro* court proceedings from 1986. He said there is no law that says you have to redistrict every ten years.

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Mr. Miller said he has been accused of gerrymandering or not liking my two fellow commissioners. He said this has nothing to do with that. It just should be equally based and everyone should have an option to run and represent the county. I personally don't think anyone would run against them until now. Maybe they will now. He's heard it from Democrats, Independents and Republicans. He said I'm not trying to be partial in this, I'm not trying to pick a side, and I'm not endorsing anyone.

Mr. Miller said there was a question about the maps, asking why was he the one so involved in making those maps. Mr. Miller said he did it because the auditor asked him to. Mrs. Corkrum wondered if this was true. He told the auditor to go back to the law which states "compact." He said the auditor indicated the lines had to be drawn so there are 22,000 in each district.

Mr. Koch asked Mr. Cooper if that answered his questions. Mr. Cooper said it was pretty lengthy. Mr. Cooper feels the issue won't go away and asked if it can be brought up for public comment.

Mr. Miller told Mr. Cooper that he had made a motion in an earlier meeting that was not seconded.

Motion - Mr. Miller: I would like to move that we have a public hearing and put it in the Connell Graphic and the Tri-City Herald newspapers immediately and have this public hearing.

Mrs. Corkrum said that what Mr. Miller did was approve a resolution establishing the boundaries without any public input so you already had your mind made up on the map without any public input. Mr. Miller said he did that because she (Commissioner Corkrum) told him to. Mrs. Corkrum said, "I told you to make the motion? You should have made the motion for it to be published." Mr. Miller said the first motion he ever made in the minutes is to move to have a public hearing. He did not get a second. The next motion he made, he was told he had to have a resolution to have the matter before you have a public hearing. So the next time he made a motion to redistrict. It got a second. The next time he was told he has to have a public hearing first. So he said okay, I move we have a public hearing. He did not get a second.

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Mr. Cooper commented briefly.

Mr. Koch invited Kevin Heinen to speak. Mr. Heinen introduced himself as a resident of Franklin County. He asked when was the last time redistricting was done? Mr. Koch said 2002. Mr. Miller said the 2002 redistricting was based off the 2000 census and then we had rapid growth.

Mr. Heinen asked if the commissioners have the power to redistrict right now. Mr. Miller said yes, we do. It is our decision.

Mr. Heinen said the reason he is so upset is that there are 13,000 citizens represented by Mr. Miller and 5,000 citizens each represented by Mrs. Corkrum and Mr. Koch. We're not getting the bang for our buck. Mr. Koch said the commissioners are appointed by the district but elected by the whole county. We work for the county, not just our district. He hopes Mr. Heinen has seen that over the last three years. Mrs. Corkrum said she represents the whole county as well. Mr. Heinen said the majority of the people in the audience are in Mr. Miller's district and he thought in all fairness it should be redistricted. Everyone needs an equal voice. You guys only have 10,000 together and he has 13,000.

Mr. Cooper asked who was up for re-election. Mr. Koch said Mrs. Corkrum and himself for Districts 1 and 2. Mr. Cooper said that is probably why you guys don't want to redistrict.

Mrs. Corkrum said the differences in her district and Mr. Koch's districts aren't uneven. Mr. Koch suggested Mr. Heinen talk to Dave Manterola for further information. Mr. Koch did not want to get into that now as the Board has other things to do today.

Mr. Heinen and Mr. Cooper both said Franklin County could face a lawsuit.

Mr. Miller said he wanted to mention one more thing about the maps and the accusation against him of gerrymandering. He said John Talbott told the Board last week that he was going to run for election as a commissioner but Mr. Talbott does not live in the area that would be affected by a change in the commissioner district boundaries if it were approved. Mr. Miller said he did not gerrymander anything to cause that, which he feels he has been slightly accused of.

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John Talbott asked for approval to speak. The Commissioners gave approval.

Mr. Talbott read from a quote printed in the Tri-City Herald newspaper. He expressed his concern that the redistricting has to do with the people's right to vote in the primary election and select who they want to represent them to go forward into the general election. He has been approached about running for election but does not plan to do so. He feels we need new, young people to participate in leadership. He feels we need to get this redistricting done but does not think it will happen at this time.

Mr. Miller asked Mr. Talbott, just for the record, can you tell me how many times we've talked? How many times have we met? Mr. Talbott said they have probably met four times. Mr. Miller asked Mr. Talbott, have we talked politics? Have I asked you to run for election? Mr. Talbott said no, Mr. Miller had not.

There was discussion about the history of redistricting in Franklin County.

Mr. Miller called for a second to advertise for a public hearing for redistricting. Motion died for lack of a second.

Everyone left the audience except for Joe Chapman.

COUNTY ADMINISTRATOR

County Administrator Fred Bowen met with the Board.

Superior Court Office Remodel

After a walk-through of the Superior Court Clerk's office, Mr. Bowen developed a list of items that needed to be addressed. The remodel cost estimate totaled \$22,049. The majority of the cost is putting the carpet and tile inside the office.

Mrs. Corkrum asked, does it really need carpet? Mr. Bowen said it will be needed, particularly after the remodeling work. His recommendation is to replace it.

Mr. Bowen described the condition of the office and the need for more office space. The remodeling will help but not take care of long-term needs. He estimates it will provide 25% more office space with additional counter space.

Mr. Koch asked what it would cost for desks for everyone when the office gets remodeled. Mr. Bowen said the \$4,300 cost includes a built-in desk. No new furniture will be added. While Mr. Killian asked for approval to add three more people during the

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last budget session, the Board only approved one. The remodel estimate does not include furnishings. The remodel expenses will come out of the Facilities budget. Mr. Bowen will bring a resolution back if the Board is interested in approving the remodel.

Mrs. Corkrum asked where the Clerk's Office personnel will operate in the meantime. Mr. Bowen said they talked about the personnel moving into the courtroom next to the Clerk's Office until the remodeling is done.

Mrs. Corkrum said she thought they were short of courtrooms. Mr. Bowen said County Clerk Mike Killian said they could hold court in Benton County. **The board gave consensus approval to move forward with remodeling.**

Atomic Foods Building

Mr. Bowen presented the Board with a letter written by CKJT regarding the evaluation of Atomic Foods (Exhibit 5). It is impossible to do a structural analysis according to CKJT because there are no existing engineering plans. Mr. Bowen would like to share CKJT's letter with Atomic Foods. **The board gave consensus approval.**

CKJT Architects – Jail Condition Survey

Mr. Bowen explained that the original estimate from the consultants for the jail expansion for 225 beds was \$39 million, of which \$10 million was estimated for upgrading our jail to bring it back to good condition. The \$10 million figure was estimated because it was never investigated as to what exactly needs to be done. Mr. Bowen said he asked CKJT and an architect from Seattle that worked on the original consultant's proposal for the jail expansion to give us an estimate on what they feel it would cost for them to come in and do an analysis of the building. The cost would be \$19,600. (Exhibit 6)

Mr. Bowen asked for consensus to have CKJT move forward on the analysis of the existing jail. **The Board gave consensus approval.**

Estimated Payments for Non-Voted Bonds

Mr. Bowen said the Board asked him to put together some type of a payment plan for a \$6 million dollar expansion. He gave the Board some preliminary ballpark estimates for both \$6 million and \$7 million dollar bond ratios.

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Mr. Bowen also presented information that was prepared last year by Martin Nelson and Company (Exhibit 7) that shows bond information for 2/10th of 1% and 3/10th of 1% of taxable retail sales to give an idea of what revenues the county would bring in.

Mr. Bowen also discussed the Public Works loan cash flow analysis (Exhibit 8). In 2011 the county may be about \$200,000 short of making the total payment, but the \$245,250 is the last payment the county would need to make. After 2013 the funds start building back up.

Corrections Upgrade

Mrs. Corkrum asked what things are we looking at to bring the jail up to code? Mr. Bowen said mostly the mechanical system and a new roof. The electronics are in need of total revamping.

Adjourned at 10:40 am.

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There being no further business, the Franklin County Board of Commissioners meeting was adjourned until April 28, 2008.

BOARD OF COUNTY COMMISSIONERS
FRANKLIN COUNTY, WASHINGTON

Chairman

Chairman Pro Tem

Member

Attest:

Clerk to the Board

Approved and signed May 14, 2008.