

COMMISSIONERS RECORD 49
FRANKLIN COUNTY
Commissioners' Proceeding for June 25, 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 Mary Withers, Clerk to the Board.

OFFICE BUSINESS

Business License Application

Security Director Rick Rochleau asked for approval of a business license application for the X-ray machines in the Security Office. The state requires a yearly license fee of \$225. The machines will be inspected by the Department of Health. The Board gave **consensus approval**. The funds will come from the Security Department budget.

Secretary Bridgette Scott met with the Board.

Consent Agenda

Motion - Mr. Miller: I move that we accept the consent agenda for June 25, 2008, as follows:

1. Approval of **Resolution 2008-258**, destruction of a blue chair with wooden armrest assigned to the Information Services Department as identified on the *Franklin County Storage – Salvage* form, in conjunction with RCW 36.32.210 (inventory).
2. Approval of **Resolution 2008-259**, destruction of a black, high-back leather chair assigned to Dispatch as identified on the *Franklin County Storage – Salvage* form, in conjunction with RCW 36.32.210 (inventory).
3. Approval of **Resolution 2008-260** authorizing the Public Works Contract with Benjamin's Carpet One to provide and install new carpet/tile and rubber base in the Superior Court Clerk's Office, with said fee not to exceed \$8,936.92, including sales tax, to be paid from the Capital Projects Fund, #300-000-001.
4. Approval of **Resolution 2008-261** authorizing the Chairman to sign the Certificate of Authority – General as requested by Wells Fargo Brokerage Services, LLC, and the Franklin County Treasurer.

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5. Approval of **Resolution 2008-262**, re-establishment of the approval of bank accounts attributable to Franklin County funds and businesses as requested by the Franklin County Treasurer.

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

Retrospective Rating Program Refund

Mrs. Corkrum said Retrospective Rating Program refunds were received. The county received \$8900 and the Road Department received \$3300. She would like the money to be placed in the L&I Fund #110. However, the chief accountant in the Auditor's Office said the fund is still active in the Treasurer's Office master fund and Auditor's Office general ledger but not in the 2008 budget file. It has about \$30 in it currently. The Auditor's Office feels the funds can be placed into BARS revenue code 398 within the Current Expense Non-departmental budget.

Mrs. Corkrum said the reason we put these refunds in a separate fund is so the funds could be used to purchase new chairs or earpieces or other similar items for ergonomic purposes and also for travel costs to attend related meetings. It is possible the county will receive another refund. She asked if the other Board members concur. She is concerned if the money is put into the Current Expense budget, even though it's a line item and non-departmental, it will just get swallowed up. Mr. Koch and Mr. Miller concurred with Mrs. Corkrum. Mrs. Corkrum asked staff to set a public hearing.

Retainer Agreement with Tippett Company

The Board discussed some terms of the proposed agreement. After discussion, they decided to adopt the agreement.

Motion – Mrs. Corkrum: I move for approval of contracting with Bob Tippett in regard to acquisition of real estate property. Second by Mr. Miller. 3:0 vote in favor. This is Resolution 2008-263.

Health District Budget Request

Mrs. Corkrum said Benton County approved payment of its share of the supplemental budget request from the Health District. She would like to have Franklin

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County approve its share of \$40,970 also. Ms. Scott answered the Board's questions about the source of funds.

Motion – Mrs. Corkrum: I move for approval. Second by Mr. Miller. 3:0 vote in favor. This is Resolution 2008-264.

Vouchers/Warrants

Motion – Mrs. Corkrum: I move for approval of the payroll as follows: Salary Clearing Payroll warrants 46019 through 46114 for \$183,658.69; warrants 46115 through 46126 for \$225,772.67; and Direct Deposit for \$285,369.53; for a total amount of \$694,800.89. Second by Mr. Miller. 3:0 vote in favor.

The cover sheet also includes the following:

Emergency Management payroll warrants 9540 through 9550 for \$3652.35; warrants 365 through 374 for \$5019.08; and Direct Deposit for \$7470.65; for a total amount of \$16,142.08; and

Irrigation payroll warrants 436 through 450 for \$8020.71; and warrants 451 through 458 for \$4592.95; for a total amount of \$12,613.66. (Exhibit 1)

EXTENSION OFFICE

Extension Director Kay Hendrickson met with the Board.

Hiring Process for Agent

Ms. Hendrickson said the job description for an extension agent to replace Mr. Petersen has been prepared. There is no closing date. She hopes the position will be filled before the end of the year. The position is filled at an E2 level which is equivalent to an assistant professor level.

Staff Work Hours

WSU President Dr. Elson Floyd asked that offices look at staffing and work weeks and be sensitive to people's needs about commuting costs. Ms. Hendrickson presented staff with the idea of working four ten-hour days. There are four staff people who want to do that. The office will be open during the same hours it has traditionally been open, including lunch.

Retirement

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Ms. Hendrickson has set her retirement date as of January 2, 2009.

PUBLIC WORKS

Engineer Tim Fife met with the Board.

Vouchers/Warrants

Motion – Mr. Miller: I move for approval of payment of vouchers for Motor Vehicle and Public Works Equipment Fund for \$117,698.47. Second by Mrs. Corkrum. 3:0 vote in favor. (Exhibit 2)

Public Hearing (continued from June 11, 2008): Clark Addition Water Association Franchise

Public Hearing convened at 9:36 am. Present: Commissioners Koch, Corkrum and Miller; Engineer Tim Fife; Chief Civil Deputy Prosecutor Ryan Verhulp; and Clerk to the Board Mary Withers. Present in audience: Doyle L. Heath from City of Pasco.

Mr. Fife said he was not present on June 11 but his understanding is the hearing was continued because the contract was not ready. It is now prepared.

Mr. Fife said we received an application from Clark Addition Water Association for a franchise to use the county's right-of-ways in the Clark subdivision. We're going through the public process of whether we should grant that or not for them to use our right-of-way to carry their facilities, a non-exclusive franchise.

Mr. Koch asked three times if anyone in the audience would like to speak against the proposal. There was no response.

Mr. Koch asked if anyone would like to speak for the proposal. (Mr. Heath shook his head no.) There was no other response.

Motion – Mrs. Corkrum: I move we approve the Clark Addition Water Association Franchise. Second by Mr. Miller. 3:0 vote in favor. This is Resolution 2008-265.

Mr. Verhulp said the Prosecutor's Office, Engineer Tim Fife, and Public Works employee Karen Lewis all reviewed the franchise agreement form. Together, we all made revisions we deemed appropriate. The franchise agreement is a very general agreement, just to kind of generally address the needs of this particular situation, and it allows quite a bit of flexibility in terms of the county's rights under this agreement. We have attached a

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map to the agreement that designates the franchise area and we also have included Franklin County Resolution 2003-330 which is the Policy of Accommodation of Utilities on County Road Right-of-Ways for Franklin County that is incorporated as part of the franchise agreement, and the Clark Addition would be subject to those terms and conditions. Clark Addition Water Association will sign the agreement. It is upon their signature that the agreement will go into effect.

Judith Gidley joined the audience.

Cattleguards

Mr. Fife said his office received a call requesting the Public Works Department to clean out some cattleguards. He has done some research. The county has a policy that was adopted in 1963. He gave the Board a copy of the state law regarding cattleguards, RCW 36.55.020. He said it is clear in the state law that we can allow cattleguards on our roads by permission and that that permission is to build and maintain them. In 1963 the Board passed a resolution that basically mimics that state law and sets up a process for cattleguards to be put in place (Exhibit 3). The process includes making a request and being granted a permit after a public hearing in front of the Commissioners. He assumes that process is how most of the cattleguards have been put in. By 1979 a lot of the cattleguards were in bad shape because no one was maintaining them. He showed the Board a 1979 letter from the county engineer at that time (Mr. Hesse) reiterating the same policy about maintaining and that they needed to do an inventory (Exhibit 4). An inventory was done at that time and some cattleguards were taken out.

Mr. Koch received a phone call about a cattleguard on Blackman Ridge off of Blanton Road. Mr. Koch said there are two sides to the issue: There are people driving over the road carrying gravel into the cattleguards and Mr. Hailey told him the county's blademan fills it as he grades the road.

Mr. Fife said the inventory shows the cattleguard in question was in place in 1979. He does not think it has been cleaned since that time. Mr. Koch said Mr. Hailey said it has been cleaned in the past by a county employee. Mr. Fife said that was not done officially because the directive in 1979 is clear that the county does not clean the

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cattleguards. He said if the blademan fills it up, the county may have some obligation to clean it but if there's a little dribble over 20 years and eventually it fills in, the county may not be responsible.

Mr. Fife does not view a cattleguard any differently than a public or private utility that is using our right-of-way to carry a facility. All a property owner is doing is carrying their fence from one side of the road to the other. We have to blade the road. We have allowed them to place it in there to begin with. Basically by doing that they're saving themselves from having to fence along the road on both sides. It is a benefit to the property owners. The particular property may be on the border of the open range area.

Mr. Fife said if the Board wants to look at doing something different, then we need to address that. Road Superintendent Ron Horn looked at it and told Mr. Fife there is some potential for water to flow to that spot and fill it up. There is rock and other material present.

Mr. Koch asked is it where vehicles would have traveled or is it all the way across where a blade would have carried it in? Mr. Fife does not know. Mr. Miller asked or is it dirt blowing into it? Mr. Fife said it is probably a combination of everything. If it hasn't been cleaned in 20 years, it's going to be full. The fact that it's not cleaned doesn't affect our road; it affects his cows.

Mr. Koch asked what is the property owner's liability on fooling with a county road if he cleans it? Mr. Fife said that's part of the problem. This particular cattleguard looks like it's one solid piece so when it is done, the road will have to be closed.

Mr. Miller asked do you have any idea how many cattle guards there are in the county? Mr. Fife said there were 37 cattleguards in 1979 but some have been removed since that time and some of the roads no longer exist.

Mrs. Corkrum asked did we revise this since 1963? Mr. Fife said no.

Mr. Fife said I'm not against helping the property owner. Probably the quickest and easiest way to do it is to lift the cattleguard out using a special truck. The road wouldn't be closed for very long. This particular one is a full unit so it would be a little more difficult. Mr. Fife said the cattleguards are heavy. A lot of them are old and may

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fall apart. They haven't been maintained by the property owners. The utility is for the property owner. It doesn't do anything for the county. It is an extension of the fence. It is a quandary and I don't know how the Board wants to address it. Our current policy says we don't address it, that the property owner needs to take care of it. We have pulled some out because the fences didn't connect up any longer. There is one cattleguard that we're going to ask the property owner if it serves a purpose now and if it doesn't, we will pull it out.

Mr. Fife said the cattleguards are a traffic hazard.

Mr. Koch will look at the cattleguard today.

Mr. Fife asked for direction. Mr. Koch said my concern is if the cattleguard is filled up where a blade would have pushed it in, that's a different scenario.

Mr. Miller asked can we split a cost with the property owner so it keeps the liability away from the property owner? Can we try something like that? Mr. Fife said he thinks that would be reasonable as far as us lifting it up and closing the road. He feels the property owner needs to clean under it. He said a vaccer truck could be used. The vaccer truck has a suction apparatus that sucks everything out quickly. Mrs. Corkrum asked how much would you estimate it would cost? Mr. Fife said the cost to suck out a catch basin on Fraser Road was \$250. Mrs. Corkrum said that's reasonable. Mr. Miller agreed. Mr. Fife thinks it would cost more because of the distance.

Mrs. Corkrum said to her that would be reasonable if the landowner or the person who installed it would pay for half the cost. Mr. Koch will talk to him.

Mrs. Corkrum would be in agreement to consider this as a maintenance issue. Mr. Koch said he totally understands Mr. Fife's point and doesn't want to set a precedent. Mr. Miller said the cause is probably some of both, traffic build-up and weather.

Mr. Fife said if the cattleguard does have some angle iron that needs to be fixed or replaced, now would be the time to do it. That would be the landowner's responsibility.

PROSECUTOR

Chief Civil Deputy Prosecutor Ryan Verhulp met with the Board. Present in audience: Doyle L. Heath and Judith Gidley.

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Water Rights

Mr. Verhulp said Doyle Heath of the Pasco Public Works Department submitted a request to the county to divide water rights among three property owners: Linda Loviisa Subdivision (Aho Construction), TRAC, and City of Pasco. He showed the Board a map of the area with acreage amounts noted. There is a recorded water right certificate for the overall property under the name of Burlington Northern Railroad. Mr. Verhulp assumes the railroad was the original property owner. The Department of Ecology (DOE) allows for a process where essentially owners can apply to have their share of a single water right clarified through an actual application to divide the water rights. That's what Mr. Heath has submitted to us in a completed form. Through Mr. Heath's calculations it would divide up the water right based on the amount of irrigated acreage that each property owner currently has.

Mr. Verhulp has worked with the Planning Department and Public Works Department to assess the information that Mr. Heath has provided to us. We'll be discussing it with County Administrator Fred Bowen also.

Mr. Verhulp understands if the county signs this application to divide water rights, Pasco and Aho will also sign. By signing it we generally agree that such-and-such amount is our share of the water right. Then DOE looks it over and makes a decision whether that share is actually accurate. DOE can change the amount.

Mr. Verhulp said Mr. Heath offered to be present to give us more comment since he has more background information.

Mrs. Corkrum asked who has the water right now. Mr. Heath said it is still under the name of Burlington Northern but there are now three different property owners.

Mrs. Corkrum asked if Mr. Heath is talking about the well that is on the county property. Mr. Heath said this is part of that water right, yes. There are two wells associated with the water right. One is in the Aho property and the other one is in the softball complex area.

Mr. Miller asked if this request concerns both wells. Mr. Heath said yes.

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Mr. Verhulp said the certificate states there are two wells and the water right is to irrigate 260 acres, which is the approximate total acreage.

Mr. Heath said at one time this area was two full circles. What really should have happened back when the land was sold to Franklin County and City of Pasco is that the application for administrative division of water right should have been done at that point in time. The numbers would have been different. It would have looked at beneficial use of water and irrigated acres to divide. Unfortunately DOE looks at beneficial use of water only for the past five-year history. TRAC and the softball complex have been there for about five years. What you see now is what DOE is going to allow. He said when I did the calculations of the irrigated acreage, it is based on land that is being irrigated right now.

Mr. Heath said when Aho Construction first started the process of creating the Linda Loviisa subdivision, he was asked to put this application together by the city engineer instead of having developers and engineers do it because the water right actually involves property that the City of Pasco and Franklin County own.

Mr. Miller asked about the railroad's involvement. Mr. Heath said water rights go with ownership of property so the railroad has no involvement. Water right certificates are created as real property. If you sell the land but don't mention the water right at all, then it goes with the land. If you sell the property but exclude water rights, then it would be different.

Mr. Verhulp would like to meet with the Board and Mr. Bowen later to discuss the matter again.

Mr. Heath answered Mrs. Corkrum's question about how the water right will be split as far as the housing development. He said at this time, they do not worry about the houses. At this stage, it would be split into three separate certificates. The City of Pasco has agreed to pay the fee for all three certificates. Then Aho Construction will turn its water right over to the City of Pasco as a requirement of development and then we will process it with an application for change. He said we want to try to get this taken care of

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as soon as possible so we don't end up with a subdivision full of houses and lose the irrigated acreage of that farm circle.

Roses in front of old Health District Building

The Board asked Mr. Verhulp to find out if the rose bushes in front of the old Health District Building can be surplused or given to people when the building is demolished so they don't just die.

Recessed at 10:13 am.

Reconvened at 10:18 am.

AFFORDABLE/HOMELESS HOUSING

Community Action Committee (CAC) Director Judith Gidley met with the Board.
THOR Transitional Housing Operating Rents Program Expansion Funds

Ms. Gidley asked for approval of the THOR paperwork and explained what the funds will do. The existing THOR program serves homeless families with children. This new program would serve families with children who are involved with the child welfare system, individuals or families with mental health or chemical dependency, and individuals and families or adult members who are offenders. It reaches out to some of the harder-to-serve people and gives the time to do intensified case management. Between the two counties, it about doubles the THOR dollars that we'll receive.

Motion – Mrs. Corkrum: I move for approval of Benton Franklin Community Action Committee's request for chairman's signature on Grant Application Form E, Consistency with Ten-Year Plan for THOR Transitional Housing and Operating Rents Program Expansion Funds, in the amount of \$13,500. Second by Mr. Miller. 3:0 vote in favor. This is Resolution 2008-266. (Exhibit 5: Information sheet.)

Adjourned at 10:25 am.

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There being no further business, the Franklin County Board of Commissioners meeting was adjourned until June 30, 2008.

BOARD OF COUNTY COMMISSIONERS
FRANKLIN COUNTY, WASHINGTON

Chairman

Chairman Pro Tem

Member

Attest:

Clerk to the Board

Approved and signed June 30, 2008.