

COMMISSIONERS RECORD 49
FRANKLIN COUNTY
Commissioners' Proceeding for September 8, 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; and Mary Withers, Clerk to the Board. Fred Bowen, County Administrator, was absent on personal business.

COYOTE RIDGE CORRECTION CENTER

Judge Robert Swisher met with the Board. Present in audience: TV Reporter Kevin Randle, Tri-City Herald Reporter Joe Chapman, and Paul Stoker.

Judge Swisher gave the Board a report titled "One-Time Impacts." This is the Impact Committee's recommendation to the Commissioners as to what should be submitted to the Department of Corrections (DOC) as one-time impacts to be paid for by the state. There is legislation which provides that the state is responsible to local jurisdictions when new-construction prisons are coming in to offset to the local jurisdictions the initial costs associated with the new prison. The county and the city participated in hiring a consultant. A committee was formed that included Commissioner Koch, Judge Swisher, council members and the Connell mayor, and representatives from other jurisdictions such as the North Franklin School District and the Hospital District. The consultant was hired after a review process with input from the various organizations and the consultant put together this One-Time Impacts request. The request is to be submitted to the DOC.

Judge Swisher thinks the Connell City Council has already approved it. He recommended that the Commissioners approve it. It is our demand upon the DOC. It does not mean that we're going to get what we're asking for at all.

Judge Swisher said since the report was prepared, a memorandum dated September 2, 2008, has been received from the consultant giving suggestions regarding how to proceed with negotiations with DOC. Before we proceed, we have to make a formal demand. The committee has not discussed the memorandum at all. The committee has adopted the impacts. The committee's next meeting is scheduled for September 15.

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The report will be submitted to DOC. DOC has a committee that has to review it and approve what's on it. Once the DOC approves it, it goes to the Office of Financial Management (OFM). Mr. Koch said an amount would be put into the governor's budget. Then it will be presented to the legislature in the next session. In between, there will be discussions with DOC. Informal discussions have already started.

Mrs. Corkrum asked if the amount used by OFM will be agreed on before it goes to the legislature. Judge Swisher said the county, city and committee may not agree on what DOC says we're entitled to. If they leave off things, and I anticipate they are going to drop things, we're still entitled to submit our list to the legislature.

Mr. Koch said when Judge Swisher and he were at the DOC in Olympia approximately a month ago, DOC personnel came up with the information on the back page regarding one-time items and a bridging portion that would be something that would be forthcoming and basically other ongoing impacts that will come up in the future. He said the DOC has verbally indicated they will support the numbers in the first column of the report. Judge Swisher said these items are kind of the capital type of expenses. They are immediate, one-time expenses. Mr. Koch said he thinks it leaves the county somewhat short. It does have some court and juvenile funding. DOC has verbally said they could support that. Basically, we'll have to fight for the rest of it. Judge Swisher said we have to justify our other demands.

Mrs. Corkrum said it's hard to judge what's going to happen down the road. Judge Swisher agreed. He said he has looked at it most specifically in terms of impact on the courts. He thinks in the county government, the biggest impact will be on the courts including the Clerk's Office. The prosecutor's office will not be involved in the civil litigation area. County Clerk Mike Killian, Court Administrator Pat Austin, and Judge Swisher traveled to Walla Walla County just to talk to people involved with the prison there. He had assumed prior to that trip that the biggest impact would be criminal but that is not the case. In fact, by far the civil litigation generated from the prison is greater than the criminal litigation.

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Mrs. Corkrum asked what types of things are involved. Judge Swisher said impacts include: public disclosure actions, lawsuits by prisoners against the prison or against specific guards in the prison, lawsuits associated with public disclosure requests that aren't answered (he gave an example from the Walla Walla prison), juvenile court aspects such as inmate families or families associated with inmates that will have a serious impact on juvenile court. There is no compensation from the state for that. If an inmate commits a crime, the Prosecutor's office and the court offices will get paid a certain amount by the hour. What we're paid by the hour nowhere near covers the cost of the work but it's something. However, if an inmate's child assaults someone and ends up in juvenile court, we won't get a dime for it. If the inmate's wife files for divorce from the inmate, the filing fee will probably be waived and we'll provide the work with no reimbursement.

Judge Swisher has contacted other facilities seeking information on what numbers and percentages we can expect. They haven't kept records and don't track it. It's difficult to determine because they can't ask certain questions because it's private information. The numbers are substantial but there's no way of quantifying them.

Coyote Ridge Prison will be larger than either Clallam Bay Prison or Stafford Creek Prison. Mrs. Corkrum asked if it is the same type of inmates. Judge Swisher said it depends on what DOC is going to do at the time. Currently DOC anticipates leaving hard core inmates, maximum security inmates, in Walla Walla prison and dividing the rest of the inmates within the state. Coyote Ridge will get some medium security prisoners and will also have prisoners at the step below medium security but they're different than the minimum security that is in the original Coyote Ridge facility.

Mr. Koch said he has heard the word "hybrid." He asked DOC in Olympia to explain. A hybrid prisoner is somebody that his reputation has been as an ideal prisoner that would be eligible for minimum security except for his time of sentence. It's an interim designation. He has too much time left to call him a minimum security prisoner but his actions or behavior are in line with that.

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Mr. Koch said Coyote Ridge Prison will also have a segregation unit. As far as he is concerned, the new portion of the prison is not an expansion but a new prison.

Judge Swisher said the numbers in segregation do not count in the total numbers.

Mrs. Corkrum said once the Walla Walla prison is totally maximum security, it will be less of a challenge for the guards.

Judge Swisher said as of now, DOC does not plan to put any maximum security prisoners at Coyote Ridge. However, DOC can change their minds and that is a drawback. They do have a segregation unit.

Motion – Mrs. Corkrum: I move to approve the committee's recommendation for one-time impacts to Franklin County dated June 19, 2008. Second by Mr. Miller. 3:0 vote in favor. This is Resolution 2008-360.

OFFICE BUSINESS

Secretary Patricia Shults met with the Board. Present in audience: Joe Chapman and Paul Stoker.

Consent Agenda

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

1. Approval of **joint Resolution 2008-357** in the matter of the request for signature from the Chairman of the Boards of Benton and Franklin County Commissioners on the Fee for Service Contract between the Benton-Franklin Juvenile Justice Center and Kennewick School District, for a term commencing September 1, 2008, and terminating July 31, 2009. (Exhibit 1: Information sheet.)
2. Approval of **joint Resolution 2008-358** in the matter of the request for signature from the Chairman of the Boards of Benton and Franklin County Commissioners on the Fee for Service Contract between the Benton-Franklin Juvenile Justice Center and Pasco School District, for a term commencing September 1, 2008, and terminating July 31, 2009. (Exhibit 2: Information sheet.)
3. Approval of **joint Resolution 2008-359** in the matter of executing a Professional Services Agreement between Lutheran Community Services Northwest and Benton and Franklin Counties' Department of Human Services, Agreement #PSA-LCS-2008/09, effective July 1, 2008, through June 30, 2009, and authorizing the Chairman to sign said agreement on behalf of the Board. (Exhibit 3: Information sheet.)

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

Vouchers/Warrants

Motion – Mrs. Corkrum: I move for approval of vouchers as follows: Current Expense warrants 4137 through 4179 for \$18,498.76; Franklin County RV Facility warrants 4180 through 4182 for \$1,684.55; Crime Victims Witness warrants 4183 through 4184 for \$3,387.59; Current Expense warrants 4185 through 4250 for \$27,950.95; Boating Safety warrants 4251 through 4252 for \$46.40; DOC Building Inspection warrant 4253 for \$15.17; Jail Commissary warrants 4254 through 4258 for \$5,514.68; Franklin County Enhanced 911 warrants 4259 through 4262 for \$48,271.86; Current Expense warrants 4263 through 4265 for \$884.62; Auditor O&M warrants 4266 through 4267 for \$260.18; and Election Equipment Revolving warrant 4268 for \$200; for a total of \$106,714.76.

Second by Mr. Miller. 3:0 vote in favor. (Exhibit 4)

GROUND WATER MANAGEMENT AREA (GWMA)

GWMA Coordinator Paul Stoker and Franklin Conservation District Director Mark Nielson met with the Board.

Proposed Feedlot

In response to a question from Mr. Koch, Mr. Nielson said he has been receiving and responding to calls regarding a proposed feedlot in Franklin County. He has also been working with Planning Department staff. He told the Board about the Planning Commission requirement for wells for the application.

Mr. Stoker showed the Board a stratigraphic map. GWMA will be creating a true hydrologic model to use in giving demonstrations. He said the model can be used by the Planning Commission or anyone else who wishes to do an impairment analysis, anything having to do with water.

Franklin County Water Conservancy Board

Mr. Nielson said the county commissioners appoint Water Conservancy Board members. He requested that the Board appoint Lynn Hall as an alternate.

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Mrs. Corkrum asked to have a letter stating Mr. Hall is willing to serve. Mr. Nielson will have the Water Conservancy Board send a letter recommending Mr. Hall be appointed.

GWMA Subsurface Mapping and Aquifer Assessment Project

Mr. Stoker gave an update on the project. His office expects to have three-dimensional stratigraphy models that map existing water pathways ready to show the legislature by January 15. One of the objectives of the project is to build the stratigraphic model itself, a big three-dimensional model. A second objective is to show scientific evidence of whether we have a connection with Lake Roosevelt or not. Mr. Stoker said we have definite scientific evidence of that. He does not want to speculate on it until January. The implications are if we do not have connection with Lake Roosevelt, then essentially we are left with very meager recharge opportunities. We do have some, though. A few features affect Franklin County. He showed them on the map. There are recharge possibilities from surface waters such as the Columbia and Snake Rivers. He explained how the basalt layers and the rivers climb in elevation. There are also other sources. The Esquatzel Coulee is a gouge formed during the Missoula floods. There is underground water that travels in the county.

We are mapping what are called volcanic dams which are slits in the earth 40 miles deep where lava came up. Rather than being cone type of volcanoes like in Hawaii, our volcanoes were slits in the earth 40 miles deep, say 10 feet to a quarter mile wide up to 40 to 50 miles long. A big one is suspected of running from Walla Walla to Othello. The problem is there are many layers. The water may flow over some of the layers but not others. He showed a drawing and explained how the volcanic dams are involved in controlling water. He said we end up having groundwater subbasins. He said it is very complicated.

He asked the Board to give support to the project by sending a letter to legislators saying this is a very important modeling project for our area and please continue to support it. Bill Grant is one of the legislators on the committee. Mr. Stoker believes there will be a lot of issues to deal with once we bring out at least the first stratigraphic

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model and begin to present to the public how fragile and delicate and complicated our groundwater sources are. Mr. Stoker will be talking to cities and other entities in the next several months.

Mr. Koch asked who else should be contacted. Mr. Stoker said a group of legislators have been asked to participate in a pre-legislative water group. We are trying to spend time educating them. We will be meeting with Bob Morgan, Joe Kretz, Senator Marr from Spokane, and Representative Ormsby on September 17.

Mr. Stoker said the question could be asked why isn't the Department of Ecology doing this? That is a good question. The answer is very complicated but the simple answer is they are not. They are aware of what we are doing. They are beginning to modify their positions on the science of how they regulate water based on what they are doing. He told the Board about work done by United States Geographical Service (USGS) scientists. USGS has prepared a RASA model which is an average but is not meant to solve local problems with water. USGS has agreed to do a NAWQA revisit for this area. It takes four years to do. It will cover the same area as the seven counties involved in eastern Washington. In the central part for the four counties that are part of GWMA, they have agreed they will not use the averaging RASA model but will insert our models.

PUBLIC WORKS

Public Works Director Tim Fife met with the Board. Present in audience: Joe Chapman.

East Foster Wells Road

Mr. Fife answered Mrs. Corkrum's question about the progress in obtaining right-of-way property for the East Foster Wells Road project.

Resolution: Contract between Franklin County Public Works and M.A. DeAtley Construction, Inc., CRP 592/2006 Gravel Road Paving Upgrades, Group 4: Millwood Road, Garfield Road, Palmer Road and Juniper Road

Mr. Fife asked for approval of the contract for Group 4.

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Motion – Mr. Miller: I move that we accept the contract between Franklin County Public Works and M.A. DeAtley Construction, Inc., CRP 592/2006 Gravel Road Paving Upgrades, Group 4: Millwood Road, Garfield Road, Palmer Road, and Juniper Road. Second by Mrs. Corkrum. 3:0 vote in favor. This is Resolution 2008-361.

Mr. Fife commented that there has been a different contractor for each group of road paving projects.

Resolution: Local Agency Agreement LA 6251, Supplement #3, between Franklin County and Washington State Department of Transportation (DOT) for CRP 596 – R-170 Land Slide Area

Mr. Fife asked for approval of a supplemental agreement to start acquiring the right-of-way in the landslide area. This supplement provides the funding for the right-of-way. There is some RAP funding available from the earlier pipe contract. If we acquire the right-of-way timely, we hope to use the remaining RAP funds to put a pipe in place of a canal at R170 and Klamath, and do a small amount of paving work. Mr. Fife said the trees have been taken out. He said the character of the intersection has totally changed.

Motion – Mr. Miller: I'd like to make a motion to accept the Local Agency Agreement LA 6251, Supplement #3, between Franklin County and Washington State Department of Transportation for CRP 596 – R170 Landslide area. Second by Mrs. Corkrum. 3:0 vote in favor. This is Resolution 2008-362.

Adjourned at 10:13 am.

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There being no further business, the Franklin County Board of Commissioners meeting was adjourned until September 15, 2008.

BOARD OF COUNTY COMMISSIONERS
FRANKLIN COUNTY, WASHINGTON

Chairman

Chairman Pro Tem

Member

Attest:

Clerk to the Board

Approved and signed September 15, 2008.