

COMMISSIONERS RECORD 49
FRANKLIN COUNTY
Commissioners' Proceeding for November 3, 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

Secretary Patricia Shults met with the Board. Present in audience: Sharon Paradis and Tri-City Herald Reporter Joe Chapman.

Consent Agenda

Motion - Mr. Miller: I move for approval of the consent agenda for November 3, 2008, as listed:

1. Approval of **Resolution 2008-460** authorizing the Public Works Contract with Advanced Protection Services, Inc., for additional Franklin County campus security, in an amount not to exceed \$19,865.56, to be paid from the Current Expense Security Department Budget, Number 001-000-580, line item 521.30.41.0001 (Contracted Security Services).
2. Approval to submit a letter to the Washington State Department of Ecology (DOE) requesting renewal of Delegation of Authority to Franklin County for 2009-2010 for Agricultural Burning Permits. (Exhibit 1)
3. Approval of **Resolution 2008-461** rescinding Franklin County Resolution 2008-449, authorizing Information Services to purchase a Hewlett Packard color LaserJet CP1518n printer for the Planning and Building Department, and authorizing payment up to \$325 from the Miscellaneous Boards Budget, Number 001-000-240, to pay for said printer.
4. Approval of **Resolution 2008-462** authorizing the Franklin County sidewalk improvement construction project and authorizing expenses to be paid from the Current Expense Security Department Budget, Number 001-000-580, line item 521.30.41.0001 (Contracted Security Services).

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

Vouchers/Warrants

Motion – Mrs. Corkrum: I move approval of vouchers in the amount of \$55,208.34 as follows: Landfill Closure Trust warrant 6955 for \$20,738.02; Current Expense warrant

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7564 for \$989.27; Clerk LFO Collection Fund warrant 7565 for \$57.02; Sheriff's Narcotic Trust warrant 7566 for \$15.15; Jail Commissary warrant 7567 for \$133.18; Courthouse Renovation Fund warrant 7568 for \$1,276.29; and Current Expense warrants 7569 through 7618 for \$31,999.41. Second by Mr. Miller. 3:0 vote in favor. (Exhibit 2)
Special Board Meeting

The Board will hold a special meeting at Basin City on November 17 regarding the Basin City Sewer and Water Improvement in order to meet the grant requirements.

JUVENILE JUSTICE CENTER (JJC)

JJC Director Sharon Paradis met with the Board. Present in audience: Joe Chapman.

Day Reporting Program

Ms. Paradis told the Board about discussions regarding implementing a Day Reporting Program. The funds will come from the Juvenile Detention Alternatives grant and be split with Walla Walla County. Kennewick School District will be involved. Another transition counselor will be provided. The JJC will do whatever reconfiguration we have to do to accommodate the program, with OSPI funding provided. The only issue becomes meals that are not included in the funding at this time. However, the meals are reimbursable through the Federal Ag program for providing meals to kids in schools. The youth in Detention at the JJC do not have to test indigent to be eligible for the meals. The meals were not considered as part of the proposed budget so the JJC may need a supplement next year but it would essentially be cost-neutral. The revenue goes back into Current Expense, not into the JJC funds.

Attorneys

Ms. Paradis said we have one open attorney slot. The two attorneys assigned to Franklin County have hit their case load caps. We're considering making some changes. In the past we've required a minimum of a year experience in criminal justice but we may try to have another attorney mentor/supervise an attorney who is short of the required one year experience.

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MINUTES

Motion – Mrs. Corkrum: I move for approval of Commissioners Minutes for October 27 and October 29. Second by Mr. Miller. 3:0 vote in favor.

PUBLIC WORKS

Engineer Tim Fife met with the Board.

Vouchers

Motion – Mr. Miller: I move for approval of payment of the following vouchers: County Road Fund for \$271,350.21; MV & PW Equipment Fund for \$79,762.96; and Solid Waste for \$2273.53. Second by Mrs. Corkrum. 3:0 vote in favor. (Exhibit 3)

Solid Waste: Interlocal Agreements

Mr. Fife asked for approval of the interlocal agreements with Connell, Kahlotus, Mesa and Pasco.

Interlocal Agreement between Franklin County Solid Waste and City of Connell

Motion – Mr. Miller: I move that we accept the agreement between Franklin County Solid Waste and City of Connell. Second by Mrs. Corkrum. 3:0 vote in favor. This is Resolution 2008-463.

Interlocal Agreement between Franklin County Solid Waste and City of Kahlotus

Motion – Mr. Miller: I'd like to make a motion to approve the agreement between Franklin County Solid Waste and the City of Kahlotus. Second by Mrs. Corkrum. 3:0 vote in favor. This is Resolution 2008-464.

Interlocal Agreement between Franklin County Solid Waste and City of Mesa

Motion – Mr. Miller: I'd like to make a motion to approve the Interlocal Agreement between Franklin County Solid Waste and the City of Mesa. Second by Mrs. Corkrum. 3:0 vote in favor. This is Resolution 2008-465.

Interlocal Agreement between Franklin County Solid Waste and City of Pasco

Motion – Mr. Miller: I move we accept the agreement between Franklin County Solid Waste and the City of Pasco. Second by Mrs. Corkrum. 3:0 vote in favor. This is Resolution 2008-466.

Lyons Ferry Park

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Mr. Fife will attend a meeting at the Corps of Engineers office in Walla Walla today representing Franklin County regarding the operation of Lyons Ferry Park.

Selph Landing Road/Taylor Flats Road intersection

Mr. Fife told Reporter Joe Chapman that a Tri-City Herald article had been inaccurate.

Mr. Fife said it would be difficult to justify the requested work from an engineering standpoint.

Mr. Miller feels it is a safety issue.

Mr. Fife said if we do level the ground at the intersection and then the next year the landowner puts in a cornfield or house, then what have we gained. He said never once did I say we won't do it or shouldn't do it. I'm just saying there is a difficulty we have to work through to do it. Also, the Board would have to decide to do it. If the Board decides to have the work done, it would set a precedent.

Mr. Miller said he does not think it would set a precedent because he thinks the intersection is completely different than other intersections, partly because of the curve. Mr. Fife said we're not disputing the safety factors. The only reason he brought it up is because of newspaper articles that were not clear.

Recessed at 9:50 am.

Reconvened at 10:15 am.

TRAC

TRAC Manager Troy Woody met with the Board. Present in audience: Joe Chapman, Steve Cooper and Mike Pink.

Capital Outlay Plan

Mr. Woody asked if the Board had any questions about the Capital Plan he gave to them last week. The Board had no questions. Mr. Bowen asked how are we going to be able to do the plan? Mr. Woody said the funding sources have not been determined. Some discussions have been held regarding what funding sources might be available such as use of .09 economic development funds or doing another bond. Mr. Woody said a sustained capital program is needed so using bonds may not be the best long-term

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solution. Mr. Woody said he has shown what is needed on the plan. He does not know the answer regarding funds.

He said we also have to consider ongoing maintenance and improvement of the existing building since it is now 13 years old.

Pepsi Pavilion Sponsorship

A sponsorship contract is being prepared with Pepsi for the Pavilion. Pepsi will be providing a four-year-old scoreboard that came out of the Tri-Cities Coliseum as part of the deal.

Mission/Vision Statement – Goals

Mr. Woody asked the Board to review a very rough draft of TRAC's mission/vision statement and goals. He said the mission statement states what TRAC was built for, the vision statement tells where we want it to go, and goals were also included. Mr. Woody asked the Board to give him thoughts about whether the draft is on the right track or if there are other things the Board wants to see at TRAC specifically and if there are any other goals. We can over-commit ourselves but if we don't set the bar high, we're never going to get to it. The TRAC Advisory Committee will also work on it.

Parking Lot at TRAC

Mr. Bowen gave the Board an update about recent meetings with Ben Franklin Transit regarding the parking lot negotiations.

RIGHT TO FARM POLICY/ORDINANCE

Public Hearing: To take testimony for and against adopting the Franklin County "Right to Farm" Policy/Ordinance and repealing Ordinance 23-94 adopted on October 17, 1994.

Public Hearing convened at 10:30 am. Present: Commissioners Koch, Corkrum and Miller; Chief Civil Deputy Prosecutor Ryan Verhulp; Legal Intern Ben Zelen; County Administrator Fred Bowen; and Clerk to the Board Mary Withers. Present in audience: Those listed on sign-up sheet including Joe Chapman (Exhibit 4).

Mr. Verhulp said Mr. Zelen drafted a newly revised right to farm policy for Franklin County that is consistent with state law.

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Mr. Zelen said the ordinance is very similar to the state law except for the revision incorporating a Yakima case that he has talked to Board members about earlier which changes whether or not the farm activity has to be done before the local residential area starts growing around it. He said it basically allows the farm activity to be changed. For instance, if previously they weren't growing cherries, they could change to that activity even though residential houses had moved into that area.

Mr. Verhulp said the idea is the farm has been grandfathered in. Mr. Zelen said it doesn't require they have the same activity for years and years.

Copies of the proposed ordinance were given to those in the audience.

Mr. Koch asked if anyone would like to speak in favor.

Steve Cooper spoke in favor.

Cody Easterday said I support it.

Kent McMullen spoke in favor. He described an instance that took place almost two years ago on a piece of vacant ground that is now being developed for Chiawana High School. In that situation they wanted to develop the ground for one year and farm it so they could perfect a water right to transfer it to the school district, saving taxpayers \$80,000 a year. A group of residents surrounding the 80-acre site brought forth complaints afraid of farming because they thought it would poison their wells with nitrates. However, alfalfa removes nitrates. He told how best management practices that were available were used. An agreement was reached, saving \$80,000. He said that's an example where farm input was able to rectify a situation through best management practices without having farming shut down. He said I think that is some of the impetus towards this new policy. I am definitely in favor of it.

Steve DeRuyter said I strongly support passage of this to help protect the ongoing farming activities in this county.

David Morgan said I am also in favor of it. I think since so much of the economy of the county depends on agriculture, it is definitely crucial.

No one else wished to speak in favor.

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

The Board had no questions.

Mrs. Corkrum said Mr. Zelen has gone through the RCWs and this ordinance is going to have some teeth in it and also have that caveat of protection from the case in Yakima County. She is assuming it will protect the farming community from frivolous lawsuits.

Motion – Mr. Miller: I move that we accept the ordinance adopting the Franklin County Right to Farm Ordinance and repealing Franklin County Ordinance 23-94 adopted on October 17, 1994. Second by Mrs. Corkrum. 3:0 vote in favor. This is Ordinance 8-2008. (Exhibit 5)

OFFICE OF PUBLIC DEFENSE

Ray Gonzales, Director of Office of Public Defense, and Judy Paxton. Present in audience: Todd, Lisa and Korbin Merrill.

Request for Additional Funds

Mr. Gonzales told the Board about expenses for the Ruiz and Webster cases and asked for a budget supplement of \$100,000. He said it is difficult to predict the total amount that will actually be spent. The total for the Ruiz case for 2009 is estimated to be over \$100,000. More than \$20,000 has been expended to date on the Webster case. Mr. Gonzales said the commissioners had asked that we monitor these items and bring them back. The only funds that have been set aside are the contract amount.

Mrs. Corkrum asked are the attorneys submitting their bills in a timely fashion? Mr. Gonzales said yes.

In response to Mrs. Corkrum's question, Mr. Gonzales explained the process for reviewing the bills.

Mr. Gonzales said one other item that should be mentioned in the Ruiz case is that there is a DNA question that would cost \$28,000 to \$35,000 if it is done by a private lab. Mr. Gonzales thinks if the state lab does the work, it would cost \$5000. The court has not yet decided if the work needs to be done.

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Mr. Gonzales said we did receive \$45,000 earlier this year and a supplement of \$50,000 later. He believes \$100,000 would get us through the end of the year.

Mr. Bowen told the Board about some budget figures. He is not sure the entire \$100,000 will be available. Superior Court will be receiving a \$100,000 grant so he anticipates holding a public hearing to consider increasing the budget by \$200,000. The county will receive an extra \$55,000 in PILT funds. He would prefer to increase the bottom line of the budget due to receipt of \$200,000 of unexpected revenues rather than using all the funds that are currently available to pay for the defense costs at this time since there are still two months left in the year.

Mrs. Corkrum said these bills from the Office of Public Defense are nondebatable.

COMMUNITY ACTION COMMITTEE (CAC)

Cricket Cordova and Debbie Biondolillo met with the Board.

Third Quarter Report and 2163 Services Report

The Third Quarter Report and 2163 Services Report were reviewed with the Board. (Exhibit 6)

Update

Ms. Cordova said we are in the process of doing a community needs assessment. It will be broken down by location of where people live.

We are beginning to implement the winter energy assistance program again this year. Appointments will be set by lottery using forms that will be available publicly. The qualifying factors will be given out so people can know ahead of time if they qualify. The funding has increased substantially.

Ms. Biondolillo said Life Skill hours are one-on-one hours that a case manager spends with a client and gave an example. She also explained how the GED and adult literacy program work.

The Board members expressed their appreciation to the CAC for the work they do.

Human Services

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Ms. Cordova told the Board about visits to Human Services Departments in two other areas of the state last week as part of the work being done by consultant Anne Strode.

COUNTY ADMINISTRATOR

County Administrator Fred Bowen met with the Board.

Increasing Bottom Line of Budget

Mr. Bowen said a public hearing will be set to increase the bottom line of the budget because of grant money coming into Superior Court.

Mr. Bowen asked if the Board also wants to increase the budget to cover the requested increase for the Office of Public Defense. Each Board member said yes.

Adjourned at 11:17 am.

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There being no further business, the Franklin County Board of Commissioners meeting was adjourned until November 10, 2008.

BOARD OF COUNTY COMMISSIONERS
FRANKLIN COUNTY, WASHINGTON

Chairman

Chairman Pro Tem

Member

Attest:

Clerk to the Board

Approved and signed November 10, 2008.