

COMMISSIONERS RECORD 49
FRANKLIN COUNTY
Commissioners' Proceeding for November 10, 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.

Consent Agenda

Motion - Mr. Miller: I move for approval of the consent agenda for November 10, 2008:

1. Approval of **joint Resolution 2008-467** in the matter of execution of a Professional Services Agreement, Number PSA-NAMI-2008/09, between the National Alliance for the Mentally Ill (NAMI) and the Benton and Franklin Counties Department of Human Services for the provision of a NAMI supported training program, effective through June 30, 2009, and authorizing the Chairman to sign said agreement on behalf of the Board. (Exhibit 1)
2. Approval **joint Resolution 2008-468** in the matter of the request for signature from the (Chairman of the) Boards of Benton and Franklin County Commissioners for an agreement, Number BENFR-MHBG-08/09-00, between the Benton and Franklin Counties Department of Human Services and Greater Columbia Behavioral Health for mental health block grant funding to provide services to promote recovery for seriously mentally ill adults and residency for seriously emotionally disturbed children, effective October 1, 2008 through September 30, 2009. (Exhibit 2)
3. Approval **Resolution 2008-469** authorizing the Chairman to sign the Advanced Protection Services, Inc., Change Order for Dispatch/911 Security Upgrade dated August 5, 2008, modifying Exhibit A of the Public Works Contract approved July 23, 2008, thus, amending Franklin County Resolution 2008-293.
4. Approval **joint Resolution 2008-470** in the matter of providing a non-bargaining contribution to employee benefits for the year 2009 for non-bargaining employees in Human Services, Juvenile Justice and Superior Court engaged in joint county operations.
5. Approval **joint Resolution 2008-471** in the matter of the request for authorization to sign be granted to Superior Court Administrator Patricia Austin by the Boards of Benton County Commissioners and Franklin County Commissioners on the Memorandum of Understanding between the Washington Courts – Administrative

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Office of the Courts (AOC) and Benton and Franklin Counties, for a term continuing in effect until February 15, 2011. (Exhibit 3)

6. Approval of *Out-of-State Travel Request* for Josh Bunten to attend the Oregon Narcotics Enforcement Association (ONEA) / Washington State Narcotics Investigators Association (WSNIA) winter conference in Wilsonville, Oregon, December 2-5, 2008, for an estimated meal expense in the amount of \$70.00. (Exhibit 3)

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

Vouchers/Warrants

Motion – Mr. Miller: I move for approval of payment of the following: Current Expense warrants 7690 through 7728 for \$10,557.50; Auditor O&M warrants 7729 and 7730 for \$331.18; FC Capital Projects Fund warrants 7731 through 7734 for \$888.42; Clerk LFO Collection Fund warrant 7735 for \$1023.45; Trial Court Improvement Fund warrant 7736 for \$2200.00; Election Equipment Revolving Fund warrants 7737 through 7740 for \$774.66; Current Expense warrant 7741 for \$820.84; DOC Building Inspection warrant 7742 for \$15.17; FC Enhanced 911 warrant 7743 for \$9562.89; Jail Commissary warrants 7744 through 7748 for \$4508.54; Current Expense warrants 7749 through 7792 for \$29,499.71; Current Expense warrant 7793 through 7825 for \$6624.36; Sheriff/Sex Offender Grant warrant 7826 for \$26.00; Treasurer O&M warrants 7827 through 7830 for \$2107.34; FC Capital Projects Fund warrant 7832 for \$3138.53; Auditor O&M warrant 7833 for \$352.16; FC RV Facility warrants 7834 through 7839 for \$4713.06; FC RV Facility warrant 7840 for \$4.32; TRAC Operations Fund warrants 7841 through 7906 for \$79,859.72; Current Expense warrants 7970 through 8136 for \$5580.44; Current Expense warrants 8137 and 8138 for \$1965.00; and Veteran's Assistance warrants 8139 and 8140 for \$1112.88; for a total amount of \$188,722.67. Second by Mrs. Corkrum. 3:0 vote in favor. (Exhibit 5)

PLANNING AND BUILDING DEPARTMENT

Planning Director Jerrod MacPherson and Planner Jeremy Underwood met with the Board.

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Public Hearing: Short Plat SP 2008-21, to consider an application by Pat Russell to short plat approximately 115.61 acres (gross) into two lots. As proposed, Lot #1 is approximately 114.22 acres in size and Lot #2 is approximately 1.39 acres in size. The property is located in the Agricultural Production 20 (AP-20) Zoning District.

Public Hearing convened at 9:15 am. Present: Commissioners Koch, Corkrum and Miller; County Administrator Fred Bowen; Planning Director Jerrod MacPherson; Planner Jeremy Underwood; and Clerk to the Board Mary Withers. Present in audience: Dale Goldy and Wayne Burk.

Mr. Underwood reviewed the information on the Action Summary (Exhibit 6).

Mr. MacPherson showed a copy of the plat submitted by the applicant with an overlay map of parcels and 2007 aerial photographs on the screen. He reviewed the conditions of approval. On Lot #2, the applicant will have to figure out an alternative for water delivery or release the lot and use a well instead. The state law says any time you plat a farm unit, you have to have an easement to each piece from the unit's point of delivery. There is a problem with where the point of delivery is and how to get it to Lot 2. The applicant can either work with South Columbia Basin Irrigation District (SCBID) to figure out an alternative way or use an existing well to irrigate the yard.

The setback requirements will apply to any new construction because what is there is grandfathered in.

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

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

Motion – Mr. Miller: I move that we accept to grant preliminary approval of Short Plat 2008-21 subject to the seven findings of fact and seven conditions of approval. Second by Mrs. Corkrum. 3:0 vote in favor. This is Resolution 2008-472.

Public Hearing: Short Plat SP 2008-22, to consider an application by Stemilt Holdings, LLC, to short plat approximately 146.48 acres (gross) into two lots. As proposed, Lot #1

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is approximately 135.33 acres in size and Lot #2 is approximately 11.15 acres in size.

The property is located in the Agricultural Production 20 (AP-20) Zoning District.

Public Hearing convened at 9:22 am. Present: Commissioners Koch, Corkrum and Miller; County Administrator Fred Bowen; Planning Director Jerrod MacPherson; Planner Jeremy Underwood; and Clerk to the Board Mary Withers. Present in audience: Dale Goldy and Wayne Burk.

Mr. Underwood reviewed the information on the Action Summary (Exhibit 7).

Mr. MacPherson showed a copy of short plat application submitted by the applicant with parcel and 2007 aerial photographs added on the screen. His understanding is that Lot #1 is being sold to DNR. Stemilt is planning to retain Lot #2 as a separate lot that has improvements and is planning a farm labor housing project on it in the future. Stemilt also owns the property to the north. Mr. MacPherson reviewed the conditions of approval.

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

Mr. Burk representing Stemilt Holdings said I don't have anything further to add. He said he and Mr. Goldy who also represents Stemilt Holdings will answer any questions.

Mr. Koch dispensed with further audience comments since no one else was present in the audience.

Mrs. Corkrum said Lot #1 has a "Parcel B." She asked if it is Lot 1 or Lot 2. Mr. MacPherson said Lots #1 and #2 are originally part of Parcel B. Parcel B was part of the original legal description.

In response to Mrs. Corkrum's question, Mr. Goldy said Lot #2 has a seasonal labor camp already in place. He thinks it has been there for three years.

Mr. Burk said Stemilt is retaining ownership of ground to the north for their own operation.

Motion – Mr. Miller: I move we accept and grant approval of Short Plat 2008-22 subject to the seven findings of fact and six conditions of approval. Second by Mrs. Corkrum. 3:0 vote in favor. This is Resolution 2008-473.

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Final Approval Short Plat SP 2008-13, Melvin Gallinger

Motion – Mr. Miller: I move that we accept final approval for SP 2008-13 for Melvin Gallinger. Second by Mrs. Corkrum. 3:0 vote in favor. This is Resolution 2008-474.

COUNTY ADMINISTRATOR

County Administrator Fred Bowen met with the Board. Present in audience: Troy Woody and Dwayne McDonald.

Information Services: Technical Training Materials

The Board reviewed a letter from Information Services (IS) Director Kevin Scott regarding technical training video materials. Mr. Bowen told the Board about his discussions with Mr. Scott. The training materials will be used for all IS staff rather than sending only one person to training. The Board asked for the matter to be put on the consent agenda.

Superior Court Clerk: Furniture

County Clerk Mike Killian has notified Mr. Bowen that a privacy panel costing \$593 had to be added to the new furnishings. The funds the Board had previously approved have already been spent. Mr. Killian said there are funds available in his budget but did not identify which budget line. Mrs. Corkrum said the money should not come out of budget lines 10s or 20s. The Board would like to know which line is used to pay the bill.

Economic Development Grant Extension: Port of Pasco

The Port of Pasco received \$600,000 from Franklin County for the Distressed and Rural County Funds to do an industrial park rail spur project. They have had difficulty obtaining easements and have asked for a year extension. Attorney Jeff Nave has been consulted. The agreement states that 85% of the total amount has to be spent by August 1, 2009. Our interlocal agreement says the project has to be substantially completed by December 18, 2008. Legally they can go all the way to August 1, 2009, without any jeopardy of arbitrage. He asked for Board approval of a letter granting the extension.

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Mrs. Corkrum said they need to understand we can't go beyond that August 1 date. Mr. Bowen said the letter states that very clearly. He is notifying the Port that if they are having any problems, they should contact him well ahead of time. Mr. Koch said we don't want to lose the funds. Mr. Bowen said that arbitrage involves having to pay back interest up to a certain capped amount.

Motion – Mr. Miller: I move that we accept approval to expand substantial completion date for the interlocal agreement between Port of Pasco and Franklin County, Washington. Second by Mrs. Corkrum. 3:0 vote in favor. This is Resolution 2008-475, changing the date as shown on Resolution 2006-620.

Ben Franklin Transit – Parking Lot at TRAC

Mr. Woody and Mr. McDonald joined the meeting.

Mr. Bowen told the Board about negotiations with Ben Franklin Transit regarding a parking lot at TRAC. Some of Transit's requests are regarding the number of times a year TRAC can have Transit vacate the parking lot and the possible pro-rating of the \$250,000 parking lot construction cost in future years with an additional appreciation value. He would just as soon pay for the parking lot ourselves and not have an agreement with Transit. Mrs. Corkrum agreed.

Mrs. Corkrum said it's not their land. She said the \$250,000 is rent for 20 years, not an appropriation for value. It is guaranteed rent. Mr. Koch agreed. Mrs. Corkrum said we've been good neighbors to them by allowing them to be on the property for several years.

Mr. Miller said we should be in the lead on this and set our standards.

Mrs. Corkrum said maybe we can have an agreement to let them use it without any financial end to it or maybe rent it out, so much a day. She said if they had a park and ride anywhere else they would have to purchase the land, plus construction costs.

Mr. Bowen said they are claiming ownership by putting in \$250,000. Mrs. Corkrum said the \$250,000 is not ownership, it's payment for use. Mr. Woody said we can respond to them that the \$250,000 is rent. Mrs. Corkrum said it guarantees them to use it for 20 years. That's a pretty good bang for their buck. Mr. Koch asked what's

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the property worth if they had to buy it? There was discussion. Mr. Bowen figured the two acres is about \$300,000 to \$400,000 worth of property.

Mr. Bowen said I'm hearing you want to change the language to prorate over a 20-year period and there is no appreciation on top of it if it terminates. The Board members said yes. The Board members also approved negotiations to have Transit vacate the lot eight times a year instead of only four. Mr. Woody said he thinks eight is a reasonable number to start with. He will also review the contract.

Mrs. Corkrum said do you want to sign an agreement? Mr. Bowen said he would just as soon pay for the parking lot and be done with it. He does not want to put the county's future in somebody else's hands. Mr. Miller said right, exactly. I think we need to take care of ourselves. Mr. Woody said maybe we need to talk about charging them rent, saying you can keep using it and there are no terms but here is your monthly bill, which might turn out to be about \$250,000 over 20 years. Mrs. Corkrum said I think that's the way to go.

Mr. Bowen asked for Board direction. Mrs. Corkrum said my stance is for us to finish the parking lot ourselves and tell them that we will rent that space to them. Mr. Miller said I totally agree. Mr. Koch said yes, that would work if that's the end result, if they won't go with what you proposed.

Mr. Bowen said I'm hearing two different things: we'll just rent it to them on a yearly basis regardless. Mrs. Corkrum said even after ten years if we want that space, I don't want to pay them anything for the \$250,000. To me, they're getting a good deal. They shouldn't have any ownership in that property. Mr. Miller agreed. Mr. Koch agreed. Mr. Bowen said he thinks in the long run the county will be a lot happier. Mr. Woody said they're in the same spot they're in today except they will be paying rent and if the rent is not more than they're going to pay upfront anyway, then there's not really a legitimate argument for them to be upset about and we're still being good partners. Mrs. Corkrum said yes, because we're still providing the space for them.

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Mrs. Corkrum asked have they paid us any towards the engineering of the parking lot or the sawtooth area? Mr. Bowen said no, Transit has not paid anything towards the parking lot work.

TRAC

TRAC Manager Troy Woody and TRAC Operations Manager Dwayne McDonald met with the Board.

Motor Pool Plans

Mr. Woody said the secondary part of the master plan is to take the John Deere tractor out of the pool. It is the only piece of equipment TRAC still owns that is in the pool other than the Gator. We'll pay cash for that tractor and buy it from the pool for the book value of about \$2500 and then we'll get about \$20,000 back from the pool which is money that has been paid in for that replacement. If I have \$6000 here and \$10,000 there, that gives me \$16,000. We want to buy a Skid Steer as a replacement piece. A good used one with warranty left would probably cost \$10,000 to \$12,000. Then the other \$10,000 would be the beginning of our vehicle pool which we'll start making payments into. Probably the next item coming up is the small forklift. That way in a couple years when it needs replacing, we'll already have money sitting in an account to buy it.

Mr. Bowen asked so you're proposing that you start an ER&R account yourself? Mr. Woody said yes. He said this money (from the sale of the tractor and the \$20,000 we get back from the John Deere) would start the ER&R account, for a total of roughly \$26,000.

Mrs. Corkrum asked do we need to set up an account? Mr. Bowen said yes. If you start out an ER&R account, everybody has to understand that money cannot be used for anything other than just that. Mr. Woody said right. He thinks we can take the 12-year capital plan that he has prepared, break the vehicles out of it, and estimate over 20 years that we're going to spend a certain amount (\$30,000) in vehicles so take \$30,000 divided by 20 and that's our monthly payment that goes into that fund. Then it will basically just be paying ourselves a monthly payment, just like we now do with the Public Works fund, but it will be a lot smaller number because it does not have maintenance or

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fuel included. It is truly just the replacement cost which I would estimate in almost every case to be a used piece of equipment anyway. Right now the pool funds for a brand new piece of equipment every time. TRAC has not had a brand new piece of equipment except for maybe the New Holland. Mr. Woody thinks TRAC can do it a lot less expensively than through the regular pool.

Public Hearing: Notice of Intent to Sell at Public Hearing: For the purpose of considering the advisability of declaring surplus and putting up for public sale a 1988 Ford tractor model 6610, 2x4 with loader, used by TRAC

Public Hearing convened at 9:55 am. Present: Commissioners Koch, Corkrum and Miller; County Administrator Fred Bowen; TRAC Manager Troy Woody; TRAC Operations Manager Dwayne McDonald and Clerk to the Board Mary Withers.

Mr. Bowen asked if this is considered to be a public auction. Mr. Woody said Chief Civil Attorney Ryan Verhulp has reviewed it several times. We're telling people it will be on Craigslist. The issue is the notification process, not how we sell it.

Motion – Mr. Miller: I move that we declare the 1988 Ford tractor Model 6610 used by TRAC as surplus. Second by Mrs. Corkrum. 3:0 vote in favor. This is Resolution 2008-476.

Motion – Mr. Miller: I'll also make the next motion, Notice of Public Silent Auction, 1988 Ford tractor, model 6610, 2x4 with loader, 4442 hours, placed on Craigslist to highest bidder with minimum bid of \$6000. Second by Mrs. Corkrum. 3:0 vote in favor. (Exhibit 8)

Mr. Koch stated he hopes we're not giving it away by putting it on Craigslist; we'll see what happens. Mr. Woody said the other alternative is to wait until the next Booker Auction. Mr. Koch said it may be in the next three to six weeks. Mr. Woody said we can reject any bids.

Mr. Miller said I agree \$6000 is cheap. Mr. Koch said my contention is how tough it is to get around in Craigslist. When he searched, he went directly for tractors and had a hard time finding any. Mr. Miller said visibility on Craigslist for people who want it may not be good.

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Jail Captain Rick Long joined the audience.

Event Outline for 2009

Mr. Woody told the Board about some upcoming events. One event is a Demo Derby with 97 Rock. It will be held in the arena. Barricades will be put around the fence line. Traditionally the event sells out every year at 4300 people at \$10 per person.

Mr. Woody would be happy to do half of that amount. Mr. Koch is concerned about getting debris out of the dirt. Mr. Woody said we already do that with Monster Trucks and Motocross events.

Mr. Woody told the Board about the numbers of people expected for Christmas events at TRAC.

Parking Lot

Mr. Woody has asked Attorney Ryan Verhulp to draft an ordinance or resolution that would give the TRAC Manager authority to designate which people can park where rather than having the entire parking lot be an open public parking lot. It will protect customers.

JAIL

Jail Captain Rick Long met with the Board.

Corrections Intercom System

Mr. Long said the Board had requested that he meet with them to talk about the intercom that we're looking to replace at Master Control. It has been sent out to bids. Mr. Long has obtained an initial estimate for the cost to replace what we have. The current system is worn out. It is five to seven years old. The same brand would require a minimum amount of changeover. The new technology is more of a touch screen system. A similar system in Work Release in Kennewick has also worn out.

The system is used throughout the facility but primarily used by inmates to call in to Master Control. It will also give us the opportunity to do now what we wanted to do back in about 1999-2000 when we did refurbishing. We wanted to do a better job of picking up the PA system with speakers in the ceiling. Technology is kind of catching up to make it easier and more cost-effective to do it so it will work better than in the past. It

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will be an additional part of the package. The intercom will work fine. It will have an additional part of the package as well. He thinks it is pretty cost effective from what we've seen so far. Mr. Long said he feels because it is something for the inmates primarily, just like the cameras, that we can buy it out of Commissary funds. Mr. Koch asked if there is revenue there. Mr. Long said yes. It will cost about \$16,000. He thinks it cost about \$24,000 to \$25,000 in 1999 or 2000 to do the complete facility, replacing all the speakers and the unit in Master Control. The money is available. We just need to do the bid system and see who exactly is going to do the installation.

Mrs. Corkrum asked is it in the budget? Mr. Long said no. Mrs. Corkrum asked where is the money? Mr. Long said the money is in the inmate Commissary budget.

Mr. Miller asked about the timing of the change compared to a potential jail expansion that might occur in five to six years. Mr. Long said we would probably at that time use the same type of equipment again. It is pretty well a universal system. It is the same brand, just a newer technology. He doesn't know if it will last longer. He cannot guarantee those things. We have the need and it's a safety issue for the inmates and is primarily used by them.

Mr. Koch said if the revenue is there, he would approve it. Mrs. Corkrum said if it's allowable to use out of Commissary. She thinks it's a stretch. Captain Long said the Commissary funds buy socks and other items. The speaker system is primarily for their usage.

Jail Incident

Mr. Koch said why didn't we hear about incident the other day before news media was involved? Captain Long said all your stuff is coming. Mr. Long said he was trying to take care of his staff. The sheriff and undersheriff were also there. The lieutenant was gathering all of the paperwork. Mrs. Corkrum said a phone call to the chairman would have only taken two seconds. Somebody should have called. Captain Long said I agree. He apologized for that on his part. He said it did not go through his mind because he was dealing with everything else. Mr. Koch said there is a problem when the news media calls and starts asking questions before there is notification to the Board members.

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Mr. Long said for us to get information to you so you actually had something in writing doesn't happen instantaneously. Mrs. Corkrum said just a phone call that there was an incident would have been enough. Mr. Koch said you wouldn't have even had to elaborate. Mrs. Corkrum said technically this Board is responsible for the jail. She said you're real easy to put that onus on us when it's about overcrowding and that sort of thing.

Captain Long said we have been preparing copies of officers' reports and other things for the people they are supposed to be sent to. He said I should have made a call. I will do my best to do better.

Mr. Koch said just a heads up would have helped. He said we wouldn't have given anyone any detail at that point even if we had it because it was too early.

Mr. Koch said I was surprised about the numbers that were given in the newspaper regarding Eastern State Hospital that you gave them. Captain Long said we made a call, Prosecutor Steve Lowe made a call, and even Crisis Response made a call to Eastern State to try to expedite. Crisis Response wanted us to get a civil commitment done for him so they would have taken him into the Our Lady of Lourdes Cardondelet program. Mrs. Corkrum asked why couldn't we have taken him to Carondelet? Captain Long said the prosecutor said we have a criminal issue, not a civil issue, and a civil commitment is required to send someone to Carondelet.

Prosecutor Steve Lowe joined the audience.

Captain Long said Eastern States said the date will be three to five weeks out for a bed day. We said we have an emergency here and they said "everybody has an emergency."

PROSECUTOR

Mr. Lowe said Indigent Defense Coordinator Ray Gonzales had stated some things that were in the newspaper that are not true. We have been proceeding with DNA testing on the Ruiz case. There may or may not be a cost. Mr. Lowe said he doesn't appreciate Mr. Gonzales telling you something about my cases that is not true. I would assume someone in that position would get accurate facts before presenting to the Board.

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Recessed at 10:18 am.

Reconvened at 10:26 am.

COUNTY ADMINISTRATOR (continuing)

Executive Session at 10:26 am regarding union negotiations and personnel based on RCW 42.30.110(1)(g) and 42.30.140(4) expected to last fifteen minutes.

Open Session at 10:37 am.

PUBLIC WORKS

Engineer Tim Fife met with the Board. Present in audience: Ryan Verhulp and Ben Zelen.

Local Agency Federal Aid Project Prospectus STPH 00S(193) between Franklin County and Washington State Department of Transportation (WSDOT) for CRP 591 – Countywide Safety Corridor Program

We originally anticipated we would have to purchase right of way. However, we can do it with construction permits rather than technically going through a right-of-way process. In order to go forward with right-of-way non-certification, we need to change the prospectus because no right-of-way is needed.

Motion – Mr. Miller: I move that we accept the resolution for Federal Aid Project Prospectus STPH 002(193) between Franklin County and Washington State Department of Transportation for CRP 591 – Countywide Safety Corridor Program. Second by Mrs. Corkrum. 3:0 vote in favor. This is Resolution 2008-478.

Local Agency Agreement LA2154, Supplement #9, between Franklin County and Washington State Department of Transportation for CRP 500 – East Foster Wells Road

Mr. Fife asked for approval of Supplement #9 to authorize an additional \$14,480 to the state for the right-of-way process.

Motion – Mr. Miller: I move that we accept Local Agency Agreement LA 2154 Supplement #9 between Franklin County and Washington State Department of Transportation for CRP 500 – East Foster Wells Road. Second by Mrs. Corkrum. 3:0 vote in favor. This is Resolution 2008-479.

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Selph Landing Road/Taylor Flats Road Intersection

Public Works staff and Mr. Koch visited with members of the Roundy family at the intersection area. Surveyors plan to do a topographical survey this week. Mr. Roundy said it's fine with him for the county to level down to the asphalt surface on the corner, using the material as a borrow site. A test well and a power pole will have to be avoided. Mr. Roundy's concern was does this mean he can't put anything in there. All the county is doing is taking material for the safety corridor project on Glade. Mr. Roundy is considering adding onto a circle sprinkler and coming out towards the corner but it would still be a long ways from the intersection.

Lyons Ferry Park

Mr. Fife met with representatives from the Corps of Engineers and Columbia County regarding Lyons Ferry Park. The Port of Columbia terminated their contract with the person/company maintaining the marina and park. It is easier to justify keeping the marina open because of moorage income. The park is a different story. Negotiations have been started with the owner of "The Last Resort," a successful company that is located on the Tucannon River. A KOA-type campground may be set up. It would be done through a contract with the Port of Columbia.

Mr. Fife showed the Board an aerial photo of the Franklin County side of the park including some residences. They view it as having a lot of potential but it needs a lot of work. The Port of Columbia will probably be visiting the Franklin County Board to see what if anything the county is ready to participate in, primarily in the next couple of years for operational costs and then maybe as a partner in some grants for improvements. They believe full hookups or at least power and water will be needed. There are grants available for that. They need revenue to take care of the park.

Jim Moore and Rich Halverson were there representing the Port of Kahlotus. They're excited about it and are willing to take it to their board to actually try to put some cash into it, too, to try to keep it open. Mr. Koch said it is an asset for the whole area of the county. Mr. Fife said it has a lot of potential.

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PROSECUTOR

Chief Civil Deputy Ryan Verhulp and Intern Ben Zelen met with the Board.
Present in audience: Tim Fife.

Charter Cable Franchise

Mr. Zelen said we've made a series of requests to Charter Cable and they have complied and fulfilled those requests. Charter Cable's coverage area includes a portion of the county that is located in unincorporated Pasco. They do not have service in Connell or other areas. The average annual customer count in the county only is 771. Customer-related complaints amount to about 2%, which is generally low. He showed the Board a list of services they provide and channels.

Mr. Zelen showed the Board a worksheet regarding how a franchise fee might be determined (Exhibit 9). The figures were reviewed. If the county adopted a 5% fee, it would work out as \$36.75 per customer per year or \$3.06 per month. It would show up on the monthly bill. Benton County does not have a franchise fee.

The City of Richland has a 5% franchise fee and also a PEG fee (public, educational, government access channel). The contract proposed by Charter Cable did not include anything about that. Mr. Zelen thinks when he met with the Board the last time that the Board did not want to negotiate for any public access channels. Charter Cable did agree to provide one access to public schools or libraries and then at their own cost the school or library could multiply the number of outlets.

Charter Cable suggested a five-year contract.

Currently there is no franchise fee designation on bills sent to Charter Cable customers in the unincorporated franchise area. If the county did agree to a franchise fee, Charter Cable would be able to lump some costs into the franchise fee such as county permitting fees, even though the county would not be getting all of that amount. They already pass the fee on to customers. There's a very small amount they would be able to lump into the fee.

Mr. Zelen said the county needs to decide whether they want a franchise fee and whether they're interested in PEG channels.

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In their contract, they would provide cable service to 30 people per linear strand which is very favorable compared to other county agreements. Most others have density requirements of 50.

Mr. Zelen said one other note is the low level of customer complaints, only 2%, and there have been no complaints from local companies as far as carriage issues.

Mr. Verhulp said if the commissioners decide they want a public access channel, there would be an additional cost. The City of Richland has two access channels amounting to 40 cents per month. The FCC also has a monthly cost that has nothing to do with the county amounting to about 6 cents.

Mr. Koch asked would all of the 771 customers subscribe to the PEG or is that something that is automatically on Charter Cable? Mr. Zelen said it would be automatically on cable. From then on people in the county would have an additional channel with the cost passed on to customers and equally divided.

Mr. Zelen said Charter Cable mentioned they will be upgrading their system to add fiber cable capabilities leading to higher end service packages in the future.

Mr. Miller asked what would the county would get besides \$28,000?

Mr. Zelen said there are four main things we can negotiate: franchise fee; if we want to do any system upgrades; negotiate any PEG channels; and whether or not there are a lot of customer service issues. A Customer Bill of Rights is used in Seattle. We could negotiate any additional protections for customers. We cannot talk about changing their service packages or their rates.

Mr. Miller asked what is the benefit for the people, better customer service?

Mr. Zelen reviewed the four things we can negotiate if the county decides to do so: system upgrade, franchise fee if you choose to do that, whether or not the county needs PEG channels, and customer service.

Mr. Verhulp said the agreement itself offers the county quite a bit of security in the various terms and conditions it sets forth as a standard franchise, placing an obligation on Charter Cable to do certain things before they extend service and things like that.

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Mr. Verhulp said the law didn't used to allow for this but it does now. Mr. Zelen said the law changed in about 1996 to allow counties to negotiate franchise fees from telecommunication companies.

Mr. Verhulp asked if the Board has a consensus opinion as to how we should proceed in negotiations or if you want more time to think about it before making a decision. Mr. Zelen said it doesn't have to be 5%; you can negotiate less but you can't negotiate more. As far as whether or not we need PEG channels, he does not know. You could have a public hearing or anything like that.

Mr. Koch asked what the City of Pasco does. Mr. Zelen does not know. He can investigate that. He said the City of Richland has two channels that basically show history of Richland and things like that.

Mr. Koch said we need a little more time before making a decision. He wants to talk to some people to see how important the public education/government access channel is. Mrs. Corkrum said she wants more information about the City of Pasco use also.

Mr. Zelen said there are some rules that apply to the public access channels. He gave an example.

Mrs. Corkrum asked if this is the only franchise fee we can charge. Mr. Zelen said yes, only for telecommunications. He said previously franchise agreements could be up to 50 years long.

Mr. Verhulp asked if the Board wants it noted for public hearing in a few weeks or if the board wants it brought back for regular session. Mr. Koch asked Mr. Verhulp to keep us updated for a few weeks until the Board decides. Mr. Verhulp said the current Charter Franchise agreement has expired so we need to get a new one in place. Mr. Zelen said the agreement would also give Charter Cable permission for some minor things like trimming trees around their cables and other small maintenance issues that they need to have resolved or at least be given permission to deal with.

OTHER BUSINESS

Letter to Auditor

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Motion – Mr. Miller: I move that we go ahead and release payroll checks November 15, 2008, and voucher and warrant authorization release for November 15, 2008. Second by Mrs. Corkrum. 3:0 vote in favor. (Exhibit 10)

Minutes

Motion – Mr. Miller: I also move for the Commissioners Proceedings for November 3, 2008. Second by Mrs. Corkrum. 3:0 vote in favor.

Indigent Defense Attorney contracts

Indigent Defense Coordinator Ray Gonzales met with the Board.

Executive Session at 11:15 am regarding contract negotiations based on RCW 42.30.140(4) expected to last five minutes.

Executive Session continued at 11:24 am expected to last five minutes.

Open Session at 11:28 am.

Adjourned at 11:28 am.

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There being no further business, the Franklin County Board of Commissioners meeting was adjourned until November 17, 2008.

BOARD OF COUNTY COMMISSIONERS
FRANKLIN COUNTY, WASHINGTON

Chairman

Chairman Pro Tem

Member

Attest:

Clerk to the Board

Approved and signed November 17, 2008.