

COMMISSIONERS RECORD 50
FRANKLIN COUNTY
Commissioners' Proceeding for January 5, 2009

The Honorable Board of Franklin County Commissioners met on the above date. Present for the meeting were Rick Miller, Chairman; Bob Koch, Chair Pro Tem; and Brad Peck, 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.

Organization of Franklin County Commissioners

Mr. Peck asked if the committee assignments are required to be entered for the record. He was told yes.

Mr. Peck said when he reviewed the proposed list of assignments, he felt there was not an ideal pairing of skill sets and background to serve on the committees. He has prepared a proposed list that he would like to be adopted today. In addition, there are several others he would like to consider separately.

Motion - Mr. Peck: I move that we adopt the list that's been provided to you earlier with a Franklin County resolution identifying the organization of Franklin County Commissioners. Second by Mr. Koch.

Discussion: Mr. Miller said for some of the committees, a person has to be selected to be on them at the time. He said he would like to work towards making the assignments even so we all share the amount of time spent. He said he personally doesn't have any problem with how they are listed here. I'm happy with mine; I should put it that way. I'm not overloaded.

Mr. Peck said I don't recall the initial count of assignments but it was on the order of 75 or 80 different appointments. It appeared I would have had in the neighborhood of 10 to 12. I would not have felt I was pulling my own weight or doing my fair share. It should be an equal distribution. So I feel better with this list and it gives me an opportunity to do my fair share.

Mr. Koch had no comment.

Vote: 3:0 vote in favor. This is Resolution 2009-001.

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Mr. Peck said there are some other committee appointments on the list that we've had to hold until we can contact these committees and ensure that they would be fine, including the Benton Franklin Council of Governments (BFCoG) Budget Committee, Credit Board of Directors, and Executive Committee, and the National Association of Counties (NACo) Environment, Energy and Land Use Steering Committee. In addition, we would like to have a representative on the Washington State Building Code Council and Washington State Law and Justice Advisory Council, both of which require gubernatorial appointment.

Mr. Miller said he thinks the Environment, Energy and Land Use Committee would be a good committee and Mr. Peck has some experience with energy especially.

Mr. Bowen is appointed as the Franklin County Fair Housing Coordinator. Ms. Shults said the Prosecutor's Office said a county representative had to be appointed. Mr. Bowen is not aware of any meetings being held in the past.

Mr. Miller said there are about four of the committees he has served on that have not met while he was appointed.

Consent Agenda

Motion - Mr. Koch: I would move that we accept the consent agenda for January 5, 2009, as presented:

1. Approval of **Resolution 2009-002** authorizing destruction of four Nextel walkie-talkies, serial numbers 03820, 03568 and 03567, as identified on the *Franklin County Storage – Salvage* form received from Facilities, in conjunction with RCW 36.32.210 (inventory).
2. Approval of **joint Resolution 2009-003** in the matter of Agreement #08/09-PREV-VYC between the Benton and Franklin Counties Department of Human Services and Vista Youth Center to provide prevention services through the strengthening multi-ethnic families program with Growing Up Safe, Sober, Happy and Healthy (GUSH) sessions, effective December 1, 2008, through June 30, 2009, and authorizing the Chairman to sign said agreement on behalf of the Board. (Exhibit 1: Information sheet.)
3. Approval of **joint Resolution 2009-004** in the matter of execution of Amendment #01 between the ARC of Tri-Cities and Benton and Franklin Counties' Department of Human Services, Agreement #07/09-DD-ARC, effective

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- November 1, 2008, through June 30, 2009, and authorizing the Chairman to sign said amendment on behalf of the Board. (Exhibit 2: Information sheet.)
4. Approval of **joint Resolution 2009-005** in the matter of execution of Amendment #01 between Goodwill Industries and Benton and Franklin Counties' Department of Human Services, Agreement #07/09-DD-GW, effective November 1, 2008, through June 30, 2009, and authorizing the Chairman to sign said amendment on behalf of the Board. (Exhibit 3: Information sheet.)
 5. Approval of **joint Resolution 2009-006** in the matter of execution of Amendment #01 between Columbia Industries and Benton and Franklin Counties' Department of Human Services, Agreement #07/09-DD-CI, effective November 1, 2008, through June 30, 2009, and authorizing the Chairman to sign said amendment on behalf of the Board. (Exhibit 4: Information sheet.)
 6. Approval of **joint Resolution 2009-007** in the matter of execution of Amendment #01 between Peopeworks Tri-Cities and Benton and Franklin Counties' Department of Human Services, Agreement #07/09-DD-PTC, effective November 1, 2008, through June 30, 2009, and authorizing the Chairman to sign said amendment on behalf of the Board. (Exhibit 5: Information sheet.)
 7. Approval of **joint Resolution 2009-008** in the matter of Amendment #1 of Agreement 07/09-RES-LCC between the Benton and Franklin Counties Department of Human Services and Lourdes Counseling Center for the discontinuation of the transitional living mobile homes effective May 1, 2008, increasing compensation for 24-hour staffing of crisis stabilization beds, and authorizing the Chairman to sign said amendment on behalf of the Board. (Exhibit 6: Information sheet.)

Second by Mr. Peck. 3:0 vote in favor.

JUVENILE JUSTICE CENTER (JJC)

JJC Director Sharon Paradis met with the Board.

Termination of Well-Spoken Interpreting Contract

Ms. Paradis said the contract with Well-Spoken Interpreting will be terminated soon because the Juvenile Justice Center has been unable to obtain certification of insurance coverage from the contractor. Professional and general liability insurance are both required.

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Mr. Peck asked if other options have been considered. If the service is high quality and it's a difficult service to provide, he asked if the contractor could be hired to provide the service on his own. Ms. Paradis said we have not looked at those options. It would have to be approved on a bi-county basis. We can talk about it.

Millie and Albert Hickman joined the audience.

State Budget Cuts

Ms. Paradis told the Board about some expected state budget cuts proposed by the governor. The Functional Family Therapy (FFT) program would be affected. She said the program is one of the evidence-based practices that shows unequivocally that we are reducing criminal behavior and impacting both the potential for somebody to be placed in the state's institutions and ultimately the state's prisons. It's kind of like shooting ourselves in the foot. She thinks the state could look at some other places to cut if they are going to cut programs that would not have the same kind of impact. We'll be having ongoing discussions with legislators about the issues.

Supplemental Budget Requests

A supplemental budget request will be prepared to authorize spending about \$37,000 in 2009 that was unspent in 2008 for the Models for Change (the MacArthur Project).

A supplemental budget request will also be prepared regarding the new grant of about \$60,000 to \$70,000 for the truancy program. The Board has signed the agreement but the funds were not included in the 2009 budget.

Family Dependency Treatment Court (family drug court)

The Family Dependency Treatment Court (family drug court) was shut down at the end of the year for lack of ongoing funding. The Board members are invited to a celebration of the program in the historic Franklin County courtroom on January 26 at 4:00. She described what will happen.

Invitation to tour the JJC

Ms. Paradis invited Mr. Peck to come to Juvenile Court to see what we do. Mr. Peck asked her to schedule the tour with Patricia Shults.

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MINUTES

Motion – Mr. Koch: I move that we accept the Commissioners Proceedings for December 22, 2008. Second by Mr. Miller. 2:0 vote in favor.

PLANNING AND BUILDING DEPARTMENT

Planning Director Jerrod MacPherson and Planner Jeremy Underwood met with the Board. Present in audience: Millie and Albert Hickman.

Final Approval Short Plat SP 2007-08, Listuarte Azevedo

Motion – Mr. Peck: I move that we give final approval for SP 2007-08, Short Plat. Second by Mr. Koch. 3:0 vote in favor. This is Resolution 2009-009.

Public Hearing: Short Plat SP 2008-24, to consider an application by Edward Headley to short plat approximately 21.47 acres (gross) into two lots. As proposed, Lot #1 is approximately 1.46 acres in size and Lot #2 is approximately 20.01 acres in size. The property is located in the Agricultural Production 20 (AP-20) Zoning District.

Public Hearing convened at 9:30 am. Present: Commissioners Miller, Peck and Koch; Planning Director Jerrod MacPherson; Planner Jeremy Underwood; and Clerk to the Board Mary Withers. Present in audience: Millie and Albert Hickman, Troy Woody and Quintin Laubach.

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

Mr. MacPherson showed a copy of the plat with aerial photograph on the screen. He reviewed the conditions of approval.

Mr. Miller asked if anyone in the audience would like to speak in favor of the plat.

Al Hickman, 870 Country Haven Loop, Pasco, WA 99301, said we're in favor of Ed Headley's short plat. Our concern is that we noticed on your map that you sent to us that Cypress Lane continues on to Dogwood. We're wondering if that was in consideration when you approved this. We had a question about this because the map shows Cypress Lane extending through the Cypress Gardens area.

Mr. MacPherson said it's a little confusing. The map shows Cypress Lane but the name of Cypress Lane was made large so it could be read on the map so it looks like it extends past where it really is. The map identifies Cypress Lane which here is public

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(indicated) and a little bit further turns private and then connects with Country Haven Loop Road which is also private. It is a little misleading on the map because of the scale of the text.

Mr. Hickman said we were wondering if this would introduce traffic and you were planning to pave a county road through there? Mr. MacPherson said no. Mr. Hickman asked that is not the intent? Mr. MacPherson said no, just gaining an additional 20 feet of road easement because the standard is 60 feet and currently there is only 40 feet on the public portion. There are no plans for the extension of Cypress Lane or improvements to it beyond where it currently sits. Mr. Hickman said that's fine.

Mr. Peck asked, the boundary between the current public road and private road does not change? Mr. MacPherson said no, just the existing public portion will be wider.

Mr. Miller asked if anyone else would like to speak in favor of the short plat.

Quintin Laubach lives on a loop just off of Cypress. He said my concern was also about the indications on the map. That's all.

Mr. Miller asked three times if anyone else would like to speak in favor. There was no response.

Mr. Miller asked three times if anyone would like to speak against the short plat. There was no response.

Mr. Koch said his questions have been answered.

Mr. MacPherson answered Mr. Peck's question about access from the public road.

Motion – Mr. Koch: I would move that we grant preliminary approval for Short Plat 2008-24 subject to the seven findings of fact and seven conditions of approval. Second by Mr. Peck. 3:0 vote in favor. This is Resolution 2009-010.

Request for Information

Mr. Miller asked for the Action Summary to be presented to Board members prior to the meetings. He would like it to be an email form. Mr. Peck would also like to receive it. He asked that it be provided two work days prior to the meeting.

TRAC

TRAC Manager Troy Woody met with the Board.

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Naming Rights for Arena: Ranch and Home

TRAC put out a public RFP about eight months ago requesting bids for naming rights for the arena and received no responses. Ranch and Home has now asked to have arena naming rights. This is the first legitimate offer we've received. Mr. Miller said he thinks that's great. Ranch and Home has been supportive of TRAC.

Mr. Woody said Ranch and Home will pay \$35,000 per year for five years and do the signage except TRAC will do the freeway sign. The terms are all subject to negotiation.

Mr. Peck asked how long the RFP was open. Mr. Woody said it was a 45- to 60-day window. Mr. Peck asked if it is conceivable that some other entity would have developed an interest and it might not be legal. Mr. Woody said it is conceivable, yes, although in the economic climate he would argue it is unlikely. That was what happened to us when we initially issued it. Mr. Peck said he agrees on that point. Mr. Woody said he doesn't think there are legal obligations for several reasons. One, we've already done the process. Secondly, there are some dollar value limits for which we can make decisions without public processes. He will check with Mr. Bowen about the limit amount. Mr. Woody said also it's a revenue stream, not an expense. We're not asking for it to be done. Mr. Woody will confer with Chief Civil Deputy Prosecutor Ryan Verhulp and Mr. Bowen to make sure.

Mr. Miller asked what would happen if in three years something changes and we decide to do something different? Mr. Woody said we'd build it into the opt-out conditions.

Kendall Cattle Sale

Mr. Woody told the Board about discussions he has had with Gary Kendall regarding a date for a cattle sale at TRAC which has been taken by another group.

Mr. Woody said he believes there are two policies we currently have that we should maintain at TRAC. It's not our responsibility to hold guest space in general. He is not opposed to giving advance notice saying if you've been here over five years, it's a

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one-year notice that we're moving your event. Beyond that, he would not change what he's doing. He said he does understand Mr. Kendall's concerns.

Mr. Koch said the only thing I think is the fact that he was a seven-year customer and I would think that your group would have known that they'd been around for a little while. I would think I would have tried to ask the new group if the next week would have been a better option so you have two pieces of business. Mr. Woody said the sales staff is busy. Unless he instructs them to look at the books for five years, the date could have been booked with another event as well.

Mr. Miller asked do we have weeks open around that time? Mr. Woody said yes but Mr. Kendall is not being flexible.

Mr. Peck asked do the contracts speak to the issue directly or indirectly? Mr. Woody said the contracts speak directly in that you're signing for X date and that's all that you're signing for. Mr. Peck asked there is no language that implies a first right? It's moot on the subject? Mr. Woody said yes.

Mr. Woody said it's not an ethics issue. It may be a courtesy issue.

Mr. Peck said in the final analysis we're obligated to do what's best for the taxpayers and the bond holders. I think you're right on track. I support everything you've done. Mr. Miller said I do, too.

Mr. Woody said we'll figure out internally how to do some kind of notice system. Mr. Peck cautioned Mr. Woody to not create the expectation that an internal notice system is in place because it may give the basis for legal problems. It could be done as a courtesy.

Mr. Koch said he would prefer if there's any way of tracking it that you could pick up both pieces of business on different weeks.

Mr. Miller asked if a letter has been written. Mr. Woody said no, he had a conversation with Mr. Kendall and we basically agreed to disagree.

Leann Rimes Concert Update

The Leann Rimes concert is scheduled for January 31. TRAC is co-sponsoring the concert with Gap West.

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Highlights of events in January

Mr. Woody listed some upcoming events. Currently there is only one empty weekend at TRAC from January through April.

COYOTE RIDGE IMPACT DISCUSSIONS

Mr. Koch said numbers were agreed to and sent to the Department of Corrections (DOC) for the Coyote Ridge Impact amounts. The governor has cut the majority of them out and moved some amounts to CTED. In talking with some legislators on Saturday, they feel a letter from Connell and Franklin County should be sent to the governor explaining the consensus from the DOC. The City of Connell will meet on Wednesday and ask their attorney to formulate a letter to send to us as a draft letter and eventually a finalized letter will be sent to local legislators and the governor.

PUBLIC WORKS

Engineer Tim Fife met with the Board. Fred Bowen returned to the meeting.

Restricting Gross Vehicle Loads and Vehicle Speeds on County Roads

Mr. Fife asked for approval of the resolution to put road restrictions on if necessary. The decision will be made by the county engineer. People can request to be on a notification list. We try to give 24-hour notice. Mr. Fife answered the Board's questions.

Motion – Mr. Peck: I'll make the motion that we adopt as a resolution this piece of business which apparently we have done in years prior and in reviewing it here it appears to me that it is reasonable and as you've advised this is consistent with what other local counties do and is consistent with the signage we already have in place. So I move that we adopt Resolution 2008-011. Second by Mr. Koch. 3:0 vote in favor.

Notice to Contractors: Invitation to Bid CRP 596 / R-170 Landslide Area Phase II – Irrigation Canal Modification

Mr. Fife explained the canal work and pipe relocation work that is involved. If we receive economic stimulus money, the project will be done next summer. Otherwise, it will have to wait for next fall. There is one caveat. The work was included in the original contract to put the pipe in the canal last fall under the same premise but we

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had to remove it because of the public hearing process regarding the design change so it was removed from the original contract. The County Road Administration Board (CRAB) is providing funding through the Rural Arterial Program (RAP). There is a new RAP ruling that requires permission if the project is phased. The ruling was not in place when the original contract was done. We have asked for permission and they are having problems with it as far as the funding because the first contract was closed out. If it would have been the same contractor, it would not have been a problem. Mr. Fife is unsure why. He is asking the Board for conditional approval of the notice because of timing, particularly for advertising purposes. He expects to receive an answer today.

Mr. Fife asked for approval conditional upon funding from CRAB.

Mr. Peck asked about the procedure if we move forward and don't get funding. Mr. Fife said we can do it up to the point of awarding.

Motion – Mr. Koch: I move to accept the Invitation to Bid for CRP 596/R-170 Landslide Area Phase II irrigation canal modification with a caveat that we'll have affirmative information from the CRAB Board before we post it. Second by Mr. Peck. 3:0 vote in favor. (Exhibit 8)

2009 Work Plan

Mr. Fife gave the Board members copies of the 2009 Work Plan that was adopted previously.

Tour of County Roads

Mr. Fife offered to show Mr. Peck the county roads. The other commissioners are welcome to come. Mr. Peck is concerned about having a quorum. The Board discussed making stops during the tour to have public input from people in the county. A tour will be arranged later, perhaps about a month from now.

COUNTY ADMINISTRATOR

County Administrator Fred Bowen met with the Board.

Change Order #1: J.N. Jacobsen & Son, Inc.

Mr. Bowen asked for approval of Change Order #1, an increase of \$6458.04. When the old Health District building was demolished, there was a water main that T'd

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off of the main line. The plans that were previously approved by the City of Pasco would have just capped it on the north side of the pavement. After re-review, the City of Pasco wanted the T removed so we had to submit a request for a change order for the contractor to do the work. Mr. Bowen explained what was done to remove the T.

Motion – Mr. Peck: I'll move that we approve Change Order #1 to the agreement between the Board of Commissioners, Franklin County, and contractor J. N. Jacobsen and Son for the Franklin County Building Demotion and Parking Lot Project in the amount of \$6458.04. Second by Mr. Koch. 3:0 vote in favor. This is Resolution 2009-012.

Authorization for Indigent Defense Coordinator to sign vouchers up to \$5000 for Office of Public Defense

Mr. Bowen asked to increase the amount the Indigent Defense Coordinator is authorized to sign to \$5000 with amounts over that to be approved by the County Administrator up to the total budget amount. The 2009 budget has \$100,000 in the Professional Services line item.

Mr. Peck asked if outside counsel can do the work. He said it can be discussed further later. Mr. Bowen said legislation may be one answer to the problem.

Mr. Peck asked if the \$5000 authorization would have the unintended effect of spending more out of the budget since it is being increased from \$1500. Mr. Bowen said he has thought about that but the OPD director has the responsibility to maintain the budget.

Motion – Mr. Peck: I would move that we rescind Franklin County Resolution #2008-493 and authorize the Indigent Defense Coordinator to sign vouchers up to \$5000 for Franklin County Office of Public Defense expenditures, per provider, per case, and authorize the Franklin County Administrator to sign vouchers up to the current budget amount set for Professional Services for the Office of Public Defense expenditures, per provider, per case. Second by Mr. Koch. 3:0 vote in favor. This is Resolution 2009-013.

Test Program to determine indigency

Mr. Bowen told the Board he has asked the Indigent Defense Coordinator to find out more information about a program to determine indigency. It could be used for

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indigent defense purposes as well as other purposes, such as determining indigency of veterans requesting assistance.

Executive Session at 10:59 am regarding contract negotiations based on RCW 42.30.140(4) expected to last 15 minutes.

Executive Session continued at 11:14 am expected to last five minutes. The person waiting outside was notified.

Open Session at 11:20 am.

Adjourned at 11:20 am.

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There being no further business, the Franklin County Board of Commissioners meeting was adjourned until December 3, 2008.

BOARD OF COUNTY COMMISSIONERS
FRANKLIN COUNTY, WASHINGTON

Chairman

Chairman Pro Tem

Member

Attest:

Clerk to the Board

Approved and signed January 12, 2009.