

COMMISSIONERS RECORD 50
FRANKLIN COUNTY
Commissioners' Proceeding for January 21, 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.

Consent Agenda

Motion - Mr. Koch: I would move that we approve the consent agenda for January 21, 2009, as presented:

1. Approval of **joint Resolution 2009-030** in the matter of appointing Kellie Benson as a County-Designated Mental Health Professional. (Exhibit 1: Information sheet.)
2. Approval of **joint Resolution 2009-031** in the matter of appointing Joe Montgomery to the Benton-Franklin Developmental Disabilities Advisory Board, filling Mr. Bluechel's term of appointment, with said term expiring December 31, 2010. (Exhibit 2: Information sheet.)
3. Approval of **joint Resolution 2009-032** in the matter of execution of an amendment for Prevention Services between Educational Service District 123 (ESD) and the Department of Human Services, Amendment #07/09-PREV-ESD-1, reducing the funding for the Strengthening Families Program by \$14,243. (Exhibit 3: Information sheet.)
4. Approval of **Resolution 2009-033** appointing Tyrone Riggle to serve as Specialty Contractor on the Mid-Columbia Building Appeals Commission for a five-year term, with said term expiring December 31, 2013.
5. Approval of **Resolution 2009-034** for disposal and salvage of lavatory fixtures as identified on the *Franklin County Storage – Salvage* form received from Facilities, in conjunction with RCW 36.32.210 (inventory).
6. Approval of **Resolution 2009-035** for the Extended Service Agreement for x-ray machines between Astrophysics, Inc., and Franklin County, effective February 9, 2009, through February 8, 2010, accepting Quote # TFHD252b in the amount of \$5,220, plus tax if applicable, to pay for said service, and authorizing the Chairman to sign both documents on behalf of the Board.

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7. Updating Franklin County Current Expense regular tax levy for 2009 from \$6,625,473 to \$6,626,398, due to additional personal property value for Fire District #5, and authorizing the Chairman to sign the Levy Certification form on behalf of the Board. (Exhibit 4)
8. Updating Franklin County Road Department regular tax levy for 2009 from \$2,748,683 to \$2,749,681, due to additional personal property value for Fire District #5, and authorizing the Chairman to sign the Levy Certification form on behalf of the Board. (Exhibit 5)

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

Vouchers/Warrants

Motion - Mr. Peck: I move for approval of Current Expense vouchers 11368 through 11433 for \$88,687.66 and Jail Commissary warrants 11619 through 11625 for \$6296.79 respectively in the total amount of \$94,984.45. Second by Mr. Koch. 3:0 vote in favor. (Exhibit 6)

Coyote Ridge Prison

A letter will be prepared to Governor Gregoire regarding jail impact fees.

AUDITOR

Chief Accountant Tom Westerman and Accountant Robin Stanco met with the Board.

Taxability of car allowances and assigned vehicles

Mr. Westerman and Ms. Stanco told the Board about some IRS rules regarding taxability of car allowances and use of county vehicles assigned to county employees. The county needs to determine whether or not vehicles fall into the non-taxable category. If the vehicle use is taxed, the employee can choose a taxation method. A sample mileage log has been prepared that could be used. The Auditor's Office is asking that mileage reports be turned in monthly.

Ms. Stanco said there are two plans. One is a nonaccountable plan where the money all goes onto your salary and then you deduct your business miles on Schedule A of your tax return and it's reduced by the 2% limitation you have for miscellaneous deductions. If you choose to have an accountable plan, then the IRS says you need to

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furnish your business miles, prove that you're using the vehicle for business use, and then reimburse any amount you don't spend back to the county. If you don't reimburse it, the amount goes onto your paycheck figures. IRS says you have to account for the miles within 60 days after you receive your allowance. So basically if you choose to have an accountable plan, it means you would need to get your business miles in to us within 60 days so it makes it an accountable plan and then you don't have to worry about claiming any business miles on your personal income tax return and it won't be reduced by the 2% limitation.

The amount received is excluded from retirement compensation.

Ms. Stanco showed the Board members a chart that can be used to help determine which miles are business and which are personal.

Mr. Westerman and Ms. Stanco will prepare some estimates for each commissioner of what amount will be taxable for a year. They are willing to meet with each commissioner individually.

IRS: Allowable meals

Mr. Westerman has reviewed the IRS rules and the county's records regarding reimbursement for same-day meals. His office has not found any problems with the reimbursements for meals. He wants to have the county policy conform to the IRS rules. The Chief Civil Deputy Prosecutor will be asked to review the policy and make the comparison.

Mr. Peck said there may be a difference between the taxability of the benefit of meals and the appropriateness of the meals. Mr. Miller and Mr. Koch agreed.

TRAC

TRAC Manager Troy Woody met with the Board.

Contract on naming rights for Pavilion with Pepsi

Mr. Woody has received the contract from Pepsi for naming rights on the Pavilion. Pepsi will be paying \$15,000. At this time, Pepsi only intends to have signage on the scoreboard.

2009 Budget

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Mr. Woody gave the Board a copy of the one-page 2009 budget forecast that includes 2007 and 2008 information as well.

2008/2007 Occupancy Statistics

Mr. Woody gave the Board the 2008/2007 occupancy statistics which shows the total event days and total use days as defined in the industry. The numbers are flat but there has been an increase in revenue. Mr. Woody said these figures are far from exact, partially because he has to count on promoters to give numbers. In some previous years, everyone was counted every time they came in, such as hockey players. Mr. Woody does not count any hockey attendance at all, which is fairly substantive.

TRAC Advisory Board – Economic Development Plan

Mr. Bowen gave the Board a verbal report of yesterday's TRAC Advisory Board meeting. He will be preparing to make changes to the county's Economic Development Plan so that some funding is available for TRAC capital development in general, perhaps \$200,000 per year. Mr. Woody said the funds would resolve the base capital development needs at TRAC for 10 years.

Mr. Bowen told the Board about some available funds. Without changing the Economic Development Plan, he feels about \$3 million is available.

Mr. Koch would like to have another 10 years added to the .09 distressed and rural county money sunset clause. The change would give the county more bonding capabilities.

Mr. Bowen said the Economic Development Plan can be re-opened to submit new projects. Those involved, including the Port of Pasco and the cities of Pasco, Mesa, Connell and Kahlotus, can submit their own projects or say the county can move forward with its projects. The Board of Commissioners always has the ultimate decision. Mr. Bowen hopes to rewrite the plan to give the flexibility to spend the money for TRAC projects. When it is audited, the state auditors will review the documentation to see where we spent the money and if we followed the plan.

Mr. Bowen will prepare the updated plan for Board review prior to sending it to the other entities.

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Recessed at 10:05 am.

Reconvened at 10:16 am.

HUMAN RESOURCES (HR)

HR Director Rosie H. Rumsey and TRAC Manager Troy Woody met with the Board.

Classification Committee

Ms. Rumsey asked the Board for clarification about some Classification Committee responsibilities.

Mr. Woody explained his request for a two-step increase for an employee who has far exceeded his expectations. The employee was hired at Step 1 due to lack of experience but is far below similar position market rate for the work. He would like to move the employee to Step 3 now rather than waiting until a year's service. The anniversary date would also be reset. He answered the Board's questions.

Motion – Mr. Koch: I would move the Operations Manager in Grade 14 move from Step 1 to Step 3. Second by Mr. Peck. 3:0 vote in favor. The Change of Status will be included as an exhibit to today's minutes (Exhibit 7).

Change of Status

Ms. Rumsey said the Classification Committee met on two positions. After she explained one request to the Board, the Board requested receiving the information prior to the meetings. No decision was made.

Board Meetings and Workshops

The Board had **consensus agreement** to start having workshop meetings on Monday and regular Board meetings on Wednesdays beginning on the first Monday in February. Public Hearings already scheduled will still be held.

Union Contract and Memorandum of Agreement

Ms. Rumsey asked for approval of the Memorandum of Agreement that was agreed upon and settled by Board in 2008. The paperwork has now been received.

Motion – Mr. Peck: I move we approve Memorandum of Agreement, Addendum to Resolution 2006-132, for Collective Bargaining Agreement, Council 2 (Public Works) of

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the American Federation of State, County and Municipal Employees and the Washington State Council of County and City Employees, Resolution #2009-036. Second by Mr. Koch. 3:0 vote in favor.

Eight people were in the audience.

Union Contract

Ms. Rumsey explained some terms of the agreement.

Motion – Mr. Koch: I move for the approval of Resolution 2009-037 before the Board regarding 2009-2011 Collective Bargaining Agreement between Franklin County and Local 874, Council 2 (Public Works) of American Federation of State, County and Municipal Employees, AFL-CIO, and the Washington State Council of County and City Employees. Second by Mr. Peck. 3:0 vote in favor.

PUBLIC WORKS

Assistant Engineer Guy Walters met with the Board.

Bid Opening: CRP 596/R-170 Landslide Area Phase II – Irrigation Canal Modification

Bid Opening convened at 11:01 am. Present: Commissioners Miller, Peck and Koch; County Administrator Fred Bowen; Assistant Engineer Guy Walters; Associate Engineer Rob Richmond; and Clerk to the Board Mary Withers. Present in audience: At least nine people. (Sign-in sheet is attached as Exhibit 8.)

Nine bids were received:

Rotschy, Inc., Yacolt	\$141,613.65
Culbert Construction, Pasco	\$78,889.99
Premier, Richland	\$68,141.74
Westway Construction, Airway Heights	\$106,868.56
Hurst Construction, East Wenatchee	\$127,561.12
Big D's, Pasco	\$88,156.76
Dagerstrem, Spokane	\$191,220.81
Ray Poland, Kennewick	\$215,459.24
Mahaffey Enterprises, Kennewick	\$104,401.35

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The bid award is expected to be at 3:00 pm. Engineer's estimate was \$128,498.23.

Vouchers

Motion – Mr. Koch: I move that we approve vouchers for County Road Fund 2008 for \$91,686.60; County Road Fund 2009 for \$30,834.87; Solid Waste Fund for \$17,877.04; and Solid Waste Fund for \$5200.00. Second by Mr. Peck. 3:0 vote in favor. (Exhibit 9)
Formal Request: R-170 Landslide “Just Compensation”

Mr. Walters asked for Board approval of a formal request for approval to have consultants start negotiations with landowners to offer just compensation for any acreage that we need to acquire and improvements that need to be made.

Motion – Mr. Peck: I move we approve the request from the Public Works Department for our concurrence and authorization of just compensation to the individuals listed on this document dated January 21, 2009, and it's noted TF-09-003 for reference. There are 11 itemized properties on the document with a total amount of \$32,685.00. Second by Mr. Koch. 3:0 vote in favor. (Exhibit 10)

Recessed at 11:19 am.

Reconvened at 11:25 am.

COUNTY ADMINISTRATOR

County Administrator Fred Bowen and Human Resources Director Rosie H. Rumsey met with the Board.

Tri-City Herald

The Tri-City Herald has asked for county input to prepare its Annual Progress Report edition. Mr. Bowen would like the article to include information about the conditions of the jail and the possibility of moving forward to ask taxpayers to support a sales tax increase to make the jail affordable. He asked for direction from the Board.

Mr. Miller asked that a draft be written. He wants to emphasize that the Board is working as a team.

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Mr. Peck briefly reviewed the written Tri-City Herald request. He said the article should speak with one voice and not give the sense that any one commissioner is speaking for all of us.

Mr. Koch said we need to be careful how we talk about taxpayers in the article. If we go after the tax increase, it will be a sales tax increase which is a user tax, not a property tax or just paid by Franklin County taxpayers. He wants to make it clear and definite that it is a user tax, not tacked onto the property tax.

Mr. Peck volunteered to work with Mr. Bowen to draft an article. He would like to also submit a photograph of the three commissioners working together.

Executive Session at 11:33 am regarding union negotiations based on RCW 42.30.140(4) expected to last 10 minutes.

Executive Session continued at 11:43 am expected to last 10 minutes. No one was waiting outside the room.

Executive Session continued at 11:55 am expected to last 10 minutes. No one was waiting outside the room.

Open Session at 12:05 pm. Ms. Rumsey left the meeting.

Interagency Agreement for Historical Preservation

Motion – Mr. Koch: I move that we accept the Interagency Agreement between Franklin County and Franklin County Historical Society and Museum to provide funds to promote historical preservation for historical programs in the amount of a \$5000 grant. Second by Mr. Peck. 3:0 vote in favor. This is Resolution 2009-038.

Budget Reports

The Board reviewed reports for some budget funds.

Legislative Trip to Olympia

Because of the bi-county Superior Court system, the Board decided to try to schedule meetings with legislators representing Benton County to talk about the regional jail concept.

Mr. Peck asked Mr. Bowen to prepare some talking point information for review prior to meeting with legislators in Olympia about various county issues.

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VOUCHERS

Motion – Mr. Koch: I move to accept County Road Fund payroll in the amount of \$75,713.16 and the Motor Vehicle Fund payroll for \$10,535.95. Second by Mr. Peck. 3:0 vote in favor.

Recessed at 12:24 pm.

Reconvened at 3:05 pm. Commissioner Koch was absent to travel to a meeting in Olympia.

PUBLIC WORKS

Associate Engineer Rob Richmond met with the Board.

Bid Award: CRP 596/R170 Landslide Area Phase II Irrigation Canal Modification

Mr. Richmond said there is a correction to the engineer's estimate as stated this morning because it did not have tax included. The actual engineer's estimate including tax is \$138,402.70.

Mr. Richmond thinks one reason there was such a large difference in bids is because the contract includes liquidated damages of \$10,000 a day if we don't get water to the farmers in time. The \$10,000 figure was given to us by the Bureau of Reclamation. The completion date of the contract is March 9. The Bureau of Reclamation does not think there will actually be water in the canal at that time.

Motion – Mr. Peck: I move we approve CRP 596/Route 170 Landslide Area Phase II irrigation canal modification contract to Premier Excavation of Richland, Washington, based on their bid of \$68,141.74. Second by Mr. Miller. 2:0 vote in favor. (Exhibit 11)

Adjourned at 3:16 pm.

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There being no further business, the Franklin County Board of Commissioners meeting was adjourned until January 26, 2009.

BOARD OF COUNTY COMMISSIONERS
FRANKLIN COUNTY, WASHINGTON

Chairman

Chairman Pro Tem

Member

Attest:

Clerk to the Board

Approved and signed January 28, 2009.